

**Records of the
Louisiana Constitutional
Convention of 1973:
Journal of Proceedings**

VOLUME I

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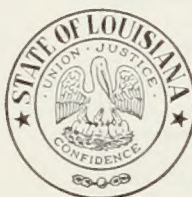
OFFICIAL JOURNAL

OF THE PROCEEDINGS OF THE

Constitutional Convention of 1973

of the

STATE OF LOUISIANA



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HELD IN ACCORDANCE WITH ACT 2 OF THE
1972 REGULAR SESSION OF THE LEGISLATURE, AS AMENDED

Begun and Held in the City of Baton Rouge, January 5, 1973

BY AUTHORITY

E. L. HENRY
Chairman

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk



OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Louisiana State University

Friday, January 5, 1973, Baton Rouge, La.

The Convention was called to order in accordance with Act 2 of the 1972 Regular Session at 12:00 o'clock noon, by Hon. Joe W. Sanders, Associate Justice, Supreme Court.

Prayer

Prayer was offered by the Most Reverend Philip M. Hannan, Archbishop of the Archdiocese of New Orleans and by the Reverend Scott Tatum of the Broadmoor Baptist Church of Shreveport.

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

State of Louisiana
SECRETARY OF STATE

January 5, 1973

Honorable Joe W. Sanders
Associate Justice, Supreme Court of Louisiana
Acting Chairman
Louisiana Constitutional Convention
Baton Rouge, Louisiana

Dear Judge Sanders:

Attached please find my certifications as to the election and the appointment of the delegates to the Louisiana Constitutional Convention to be held in accordance with Act 2 of 1972 as reflected in the official files of my office.

With kindest regards, I am

Very truly yours,

WADE O. MARTIN, JR.,
Secretary of State

WOMjr/gr
Enclosures

United States of America
STATE OF LOUISIANA
Wade O. Martin, Jr.

I, the undersigned Secretary of State, of the State of Louisiana do hereby certify that the attached reflects a true and faithful copy of a list of Delegates elected to the Constitutional Convention in accordance with Act No. 2 of the 1972 Regular Session of the Louisiana Legislature, as shown by comparison with documents on file in the archives of this office.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on, January 5, 1973.

WADE O. MARTIN, JR.
Secretary of State

1st Representative District
Jasper K. Smith

2nd Representative District
Alphonse Jackson, Jr.
3rd Representative District
Wellborn Jack
4th Representative District
V. C. Shannon
5th Representative District
Tom Stagg
6th Representative District
Frank Fulco
7th Representative District
Dr. Emmett Asseff
8th Representative District
Ford E. Stinson
9th Representative District
Charles "Buddy" Roemer
10th Representative District
R. Harmon Drew
11th Representative District
Bill P. Grier
12th Representative District
Kenneth Dale Kilpatrick
13th Representative District
E. L. "Bubba" Henry
14th Representative District
Paul David Ginn
15th Representative District
Shady Wall
16th Representative District
Judge James L. (Jim) Dennis
17th Representative District
Thomas W. Leigh
18th Representative District
R. M. Elkins
19th Representative District
J. A. (Jim) McDaniel
20th Representative District
Rep. Lantz Womack
21st Representative District
Senator Jim Brown
22nd Representative District
Terry R. Reeves
23rd Representative District
Donald G. Kelly
24th Representative District
H. M. "Mutt" Fowler
25th Representative District
Richard S. Thompson
26th Representative District
Chris J. Roy
27th Representative District
Charles Slay
28th Representative District
Miss Lynn Perkins
29th Representative District
Cecil R. Blair
30th Representative District
F. E. "Pete" Hernandez
31st Representative District
Dr. J. E. Stephenson
32nd Representative District
Errol D. Deshotels
33rd Representative District
A. J. Planchard
34th Representative District
Gerald N. Weiss, M.D.
35th Representative District
Mack Abraham
36th Representative District
Conway LeBleu
37th Representative District
Greg Arnette, Jr.
38th Representative District
Clyde Fontenot
39th Representative District
Walter J. Champagne, Jr.
40th Representative District
Lawrence B. Sandoz, Jr.
41st Representative District
I. Jackson Burson, Jr.
42nd Representative District
Ralph L. Cowen

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43rd Representative District
Pat Juneau
44th Representative District
Heloise C. Corne
45th Representative District
E. J. Chatelain
46th Representative District
J. Burton Willis
47th Representative District
H. G. Hardee, Jr.
48th Representative District
Minos H. Armentor
49th Representative District
Perry Segura
50th Representative District
F. D. "Dan" Winchester
51st Representative District
Anthony J. Guarisco, Jr.
52nd Representative District
Stanwood R. Duval, Jr.
53rd Representative District
Charles A. Badeaux
54th Representative District
Donald T. Bollinger
55th Representative District
Walter I. Lanier, Jr.
56th Representative District
Eual J. Landry, Sr.
57th Representative District
Gordon J. Martin
58th Representative District
N. E. Carmouche
59th Representative District
Louis J. Lambert, Jr.
60th Representative District
Jessel M. Ourso, Sr.
61st Representative District
Herman J. "Monday" Lowe
62nd Representative District
Richard H. Kilbourne
63rd Representative District
George Dewey Hayes
64th Representative District
Gary O'Neill
65th Representative District
Harvey W. Cannon, Jr.
66th Representative District
Louis (Woody) Jenkins
67th Representative District
(Miss) Mary E. Wisham
68th Representative District
J. D. De Blieux
69th Representative District
Robert J. Aertker
70th Representative District
R. Godron Kean, Jr.
71st Representative District
Calvin C. Fayard, Jr.
72nd Representative District
Joseph (Joe) E. Anzalone, Jr.
73rd Representative District
Autley B. Newton
74th Representative District
James T. (Jim) Burns
75th Representative District
B. B. Rayburn
76th Representative District
Alvin D. Singletary
77th Representative District
Edward J. "Eddie" D'Gerolamo
78th Representative District
Wendell H. Gauthier
79th Representative District
Rev. James L. Stovall
80th Representative District
Joseph A. Conino
81st Representative District
David Conroy

82nd Representative District
Harold J. Toca
83rd Representative District
John A. Alario, Jr.
84th Representative District
Dr. Frank J. Ullo
85th Representative District
Joseph F. Toomy
86th Representative District
Matthew R. Sutherland
87th Representative District
Earl J. Schmitt, Jr.
88th Representative District
Mrs. Novyse E. Soniat
89th Representative District
Moise W. Dennery
90th Representative District
Thomas A. Casey
91st Representative District
Louis Landrum, Sr.
92nd Representative District
Rep. Edward F. LeBreton, Jr.
93rd Representative District
Rev. Avery C. Alexander
94th Representative District
Anthony J. Vesich, Jr.
95th Representative District
Claude Mauberret, Jr.
96th Representative District
James G. Derbes
97th Representative District
Thomas A. Velazquez
98th Representative District
Joseph I. Giarrusso, Sr.
99th Representative District
Louis G. Riecke, Sr.
100th Representative District
Philip O. Bergeron
101st Representative District
Johnny Jackson, Jr.
102nd Representative District
Mrs. George E. Warren
103rd Representative District
Elmer R. Tapper
104th Representative District
Samuel B. Nunez, Jr.
105th Representative District
Chalin O. Perez

United States of America
STATE OF LOUISIANA
Wade O. Martin, Jr.

I, the undersigned Secretary of State, of the State of Louisiana do hereby certify that the attached reflects a true and faithful copy of a list of Delegates appointed to the Constitutional Convention in accordance with Act No. 2 of the 1972 Regular Session of the Louisiana Legislature, as shown by comparison with documents on file in the archives of this office.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on January 5, 1973.

WADE O. MARTIN, JR.
Secretary of State

DELEGATES APPOINTED TO CONSTITUTIONAL CONVENTION IN ACCORDANCE WITH ACT No. 2 OF 1972

Representing Industry
Edward N. Lennox
Representing Labor
Gordon Flory
Representing Education
Horace C. Robinson
Representing Civil Service
Anthony M. Rachal, Jr.
Representing Wildlife and Conservation
John L. "Jack" Avant
Representing Law Enforcement
Frank M. Edwards, Jr.

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Representing the Judiciary

Albert Tate, Jr.

Representing Professions

Ruth Miller

Representing Consumers

Hilda Brien

Representing Agriculture

Robert J. Munson

Representing Youth

Max N. Tobias, Jr.

Representing Racial Minorities

Dorothy Mae Taylor

At Large

Tom Colten

At Large

Ambroise H. Landry

At Large

Pegram J. Mire

At Large

Clyde F. Bel, Sr.

At Large

Mary Zervigon

At Large

Joe N. Silverberg

At Large

John R. Thistlethwaite

At Large

Lawrence A. Chehardy

At Large

Kendall Vick

At Large

Judy Dunlap

At Large

J. K. Haynes

At Large

Richard P. Guidry

At Large

J. Kenneth Leithman

At Large

Risley C. Triche

At Large

Camille F. Gravel, Jr.

ROLL CALL

The roll was called by the Hon. Wade O. Martin, Secretary of State and the following named delegates answered to their names:

Abraham	De Blieux	Jenkins
Aertker	Dennery	Juneau
Alario	Dennis	Kean
Alexander	Derbes	Kelly
Anzalone	Deshotels	Kilbourne
Armentor	Drew	Kilpatrick
Arnette	Dunlap	Lambert
Asseff	Duval	Landrum
Avant	Edwards	Landry, A.
Badeaux	Elkins	Landry, E. J.
Bel	Fayard	Lanier
Bergeron	Flory	LeBleu
Blair	Fontenot	LeBreton
Bollinger	Fowler	Leigh
Brien	Fulco	Leithman
Brown	Gauthier	Lennox
Burns	Giarrusso	Lowe
Burson	Ginn	McDaniel
Cannon	Gravel	Martin
Carmouche	Grier	Maubertret
Casey	Guarisco	Miller
Champagne	Guidry	Mire
Chatelain	Hardee	Munson
Chehardy	Hayes	Newton
Colten	Haynes	Nunez
Conino	Henry	O'Neill
Conroy	Hernandez	Ourso
Corne	Jack	Perez
Cowen	Jackson, A.	Perkins
D'Gerolamo	Jackson, J.	Planchard

Rachal	Smith	Toomy
Roy	Soniat	Triche
Rayburn	Stagg	Ullo
Reeves	Stephenson	Velazquez
Riecke	Stinson	Vesich
Robinson	Stovall	Vick
Roemer	Sutherland	Wall
Sandoz	Tapper	Warren
Schmitt	Tate	Weiss
Segura	Taylor	Willis
Shannon	Thistlethwaite	Winchester
Silverberg	Thompson	Wisham
Singletary	Tobias	Womack
Slay	Toca	Zervigon

Total—132.

Justice Sanders announced that there were 132 delegates present and a quorum.

Justice Sanders administered the following oath to all the delegates:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

Prayer

Prayer was offered by Rabbi Lester W. Roubey of Temple B'nai Israel.

Address

The Convention was then addressed by the Hon. Edwin W. Edwards, Governor.

Recess

On motion of Delegate Stovall, seconded by Delegate Gauthier the Convention recessed for twenty minutes.

After Recess

Justice Sanders called the Convention to order and the roll being called Justice Sanders announced 132 delegates present and a quorum.

Introduction of Resolution

The following resolutions were introduced before the Convention:

DELEGATE RESOLUTION No. 1—

Introduced by Delegate Abraham:

A RESOLUTION

BE IT RESOLVED that this Constitutional Convention adopt its permanent rules of procedure as its first order of business before electing its permanent chairman and executive committee, in accordance with the priorities set forth in Act 2 of 1972, and that a rules committee is hereby established, this committee to be comprised of sixteen delegates to be elected as follows:

1. Immediately following adoption of this resolution the temporary chairman shall recess the Convention and direct the delegates to immediately meet in separate caucus by Congressional District (each elected delegate participating in the caucus according to the residence established for his election as a delegate and each appointed delegate participating according to his present residence for voting purposes) and to elect from their number two delegates from each congressional district, said election to take place in the LSU Assembly Center and to be completed prior to the Convention finally adjourning on January 5, 1973.

BE IT FURTHER RESOLVED that the aforementioned caucus by congressional district be conducted at specific locations within the LSU Assembly Center to be designated by the temporary chairman.

BE IT RESOLVED that as soon as each caucus has completed such election, it shall advise the temporary chairman, and when all members of the committee have been elected, the temporary chairman shall reconvene the Convention to announce the names of the members of the Committee.

BE IT FURTHER RESOLVED that the Convention will

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then stand in recess and immediately following the commencement of such recess, the committee shall meet and select from among their number a chairman who will preside over their deliberations, they shall also select a place for their meetings and shall be authorized to employ such secretarial and clerical assistance as may be required for such purposes.

BE IT FURTHER RESOLVED that the committee shall complete a typewritten or printed draft of the proposed rules as promptly as possible, and in any event no later than Wednesday, January 10, 1973.

BE IT FURTHER RESOLVED that on or before Thursday, January 11, 1973, the committee will send a Xerox or printed copy of the proposed rules to each delegate by U.S. mail.

BE IT FURTHER RESOLVED that the Convention will re-assemble at 10:00 AM Monday, January 15, 1973, to begin consideration of the rules of organization and procedure; that the committee provided for by this resolution shall thereupon be disbanded and no longer function, except that the chairman of the committee, or a member designated by him in his absence, will present individually the proposed rules to the Convention, together with a brief explanation of such rules, and the rules will be individually voted upon by the Convention.

BE IT FURTHER RESOLVED that Robert's Rules of Order Revised shall be referred to as authority for guidance as temporary rules of this Convention to apply until such time as permanent rules are adopted.

Read.

Delegate Abraham moved the adoption of the resolution, which motion was seconded by Delegate De Blieux.

Motion

On motion of Delegate Alario, seconded by Delegate Taylor, the Chair ruled that the following Resolution could be introduced as a Substitute for Delegate Resolution No. 1.

DELEGATE RESOLUTION No. 2—

Introduced by Delegate Alario:

A RESOLUTION

BE IT RESOLVED BY the Louisiana Constitutional Convention of 1973 convened pursuant to Act 2 of the Regular Session of the Louisiana Legislature of 1972, that the following order of business shall be regularly followed:

1. Election of a permanent chairman
2. Election of a Rules Committee in the following manner:
 - a. The delegates who reside in the eight Congressional districts of Louisiana shall comprise eight separate committees who shall caucus separately and elect from among their number two members to serve on the rules committee.
 - b. Each congressional district committee shall report the result of such election within twenty-four hours from the adoption of this resolution.
 - c. The rules committee shall be composed of the 16 members elected, two from each of the eight congressional districts.
 - d. The rules committee shall meet and formulate a draft of the rules of procedure and order of this convention and report thereon at 10:00 AM Thursday, January 11, 1973.
 - e. The convention shall consider the report of the rules committee and adopt rules of procedure and order for this convention by majority vote.
 - f. This convention shall then take up such other business as may be decided by its members.

Read.

Delegate Alario moved that Delegate Resolution No. 2 be adopted as a substitute for Delegate Resolution No. 1 which motion was seconded by Delegate Taylor.

Motion

On motion of Delegate Juneau, Seconded by Delegate Fayard, the Chair ruled that the following Resolution could be

introduced as a substitute for Delegate Resolutions No. 1 and No. 2.

DELEGATE RESOLUTION NO. 3—

By Delegates Juneau and Fayard:

A RESOLUTION

BE IT RESOLVED that a Temporary Committee on Rules and Resolutions be established for the purpose of preparing a proposed set of rules to be submitted to the Convention for its consideration.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions be composed of 17 members, two from each of the eight Congressional Districts and one member to be elected by the Convention delegates as a whole, who shall serve as Chairman of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the election of the Chairman of the Temporary Committee on Rules and Resolutions be held as the next order of business of this Convention.

BE IT FURTHER RESOLVED that immediately after the election of the Chairman of the Temporary Committee on Rules and Resolutions, the Convention shall recess for a period of one (1) hour during which time the delegates who reside in each of the Eight (8) Congressional Districts shall caucus in separate groups and elect from their group two (2) delegates who shall serve on the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that upon the expiration of the one (1) hour recess the Temporary Chairman shall reconvene the Convention to announce the names of the members of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions will prepare a proposed set of rules and shall mail a copy of said rules to all delegates no later than 12:00 a.m. on January 10, 1973.

BE IT FURTHER RESOLVED that the Convention reconvene on January 15, 1973 at 10:00 a.m. and that the Temporary Committee on Rules and Resolutions submit its proposed rules to the Convention at that time for consideration.

We further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.

Read.

Delegate Juneau moved that Delegate Resolution No. 3 be adopted as a substitute for Delegate Resolutions Nos. 1 and 2 which motion was seconded by Delegate Fayard.

The vote then recurred on Delegate Resolution No. 3 by Delegates Juneau and Fayard and the roll was called with the following results:

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Ginn	Rayburn
Alario	Gravel	Reeves
Armentor	Guidry	Robinson
Avant	Haynes	Roy
Blair	Henry	Sandoz
Brown	Hernandez	Segura
Burns	Jackson, A.	Shannon
Burson	Juneau	Slay
Cannon	Kean	Smith
Carmouche	Kelly	Stagg
Champagne	Kilpatrick	Stephenson
Chehardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leithman	Toca
De Blieux	Lowe	Toomy
Dennery	Maubernet	Triche
Edwards	Miller	Vesich
Elkins	Mire	Vick
Fayard	Munson	Wall
Flory	Newton	Willis
Fontenot	Nunez	Winchester
Fowler	Ourso	Womack
Giarrusso	Perez	Zervigon
Total—72.		

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NAYS

Delegates—

Abraham	Duval	Perkins
Alexander	Fulco	Palnchard
Anzalone	Gauthier	Rachal
Arnette	Grier	Roemer
Asseff	Guarisco	Riecke
Badeaux	Hardee	Schmitt
Bel	Hayes	Silverberg
Bergeron	Jack	Singletary
Bollinger	Jackson, J.	Soniat
Brien	Jenkins	Stinson
Casey	Kilbourne	Stovall
Chatelain	Lambert	Sutherland
Colten	Landrum	Tapper
Conroy	Lanier	Tate
Corne	LeBleu	Taylor
Dennis	Leigh	Ullo
Derbes	Lennox	Velazquez
Deshotels	McDaniel	Warren
Drew	Martin	Weiss
Dunlap	O'Neill	Wisham
Total—60.		

ABSENT

Total—0.

And the Resolution was adopted.

Justice Sanders then called for nominations for the position of the Temporary Committee on Rules as provided by Delegate Resolution No. 3, just adopted.

Delegate Duval placed the name of Delegate Stagg in nomination.

Delegate De Blieux seconded the nomination.

On motion of Delegate Riecke nomination was closed.

Delegate Stagg was then elected by acclamation, viva voce.

Recess

The Convention was then recessed in order that Congressional District caucuses might elect representatives to the Temporary Committee on Rules as provided in Delegate Resolution No. 3.

After Recess

Justice Sanders called the Convention to order and the roll being called announced 132 delegates present and a quorum.

Justice Sanders then announced that the following delegates had been elected to the Temporary Committee on Rules:

District 1

Delegate Perez
Delegate Giarusso

District 2

Delegate Gauthier
Delegate Velazquez

District 3

Delegate Conino
Delegate Duval

District 4

Delegate Smith
Delegate Drew

District 5

Delegate Womack
Delegate Kelly

District 6

Delegate Kean
Delegate Newton

District 7

Delegate Juneau
Delegate Arnette

District 8

Delegate Perkins
Delegate Sandoz

Motion

Delegate Kean moved that the Convention proceed with the election of a permanent Chairman of the Convention which motion was seconded by Delegate Gravel.

Delegate De Blieux objected.

AMENDMENT

Delegate Duval moved that the original motion be amended to allow for the election of the Chairman of the Convention by secret ballot which motion was seconded by Delegate De Blieux.

Delegate Wall objected to the amendment.

The question then recurred on the amendment.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Abraham	Elkins	Lowe
Anzalone	Fayard	McDaniel
Arnette	Grier	Martin
Asseff	Guarisco	O'Neill
Bergeron	Hardee	Perkins
Bollinger	Hernandez	Planchard
Brown	Juneau	Reeves
Carmouche	Kean	Singletary
Champagne	Kilbourne	Stinson
Chatelain	Lambert	Stovall
Conroy	Landry, A.	Sutherland
De Blieux	Landry, E. J.	Toomy
Dennis	Lanier	Ullo
Deshotels	LeBleu	Warren
Duval	Leigh	Weiss
Total—45.		

NAYS

Delegates—

Aertker	Giarrusso	Roemer
Alario	Ginn	Roy
Alexander	Gravel	Sandoz
Armentor	Guidry	Schmitt
Avant	Hayes	Segura
Badeaux	Haynes	Shannon
Bel	Henry	Silverberg
Blair	Jack	Slay
Brien	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Kelly	Stephenson
Casey	Kilpatrick	Tapper
Chehardy	Landrum	Tate
Colten	LeBreton	Taylor
Conino	Leithman	Thistlethwaite
Corne	Lennox	Thompson
Cowen	Mauberrert	Tobias
D'Gerolamo	Miller	Toca
Dennery	Mire	Triche
Derbes	Munson	Velazquez
Drew	Newton	Vesich
Dunlap	Nunez	Vick
Edwards	Ourso	Wall
Flory	Perez	Willis
Fontenot	Rachal	Winchester
Fowler	Rayburn	Wisham
Fulco	Riecke	Womack
Gauthier	Robinson	Zervigon
Total—87.		

ABSENT

Total—0.

And the amendment was rejected.

Substitute Motion

Delegate Leigh then moved as a substitute that no action be taken on election of permanent officers until the rules of the Convention were adopted which motion was seconded by Delegate Gauthier.

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Objection was raised and the vote recurred on the substitute motion.

ROLL CALL

And the roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Perins
Aertker	Giarrusso	Planchard
Anzalone	Grier	Riecke
Arnette	Guarisco	Schmitt
Asseff	Hardee	Singletary
Bergeron	Hayes	Smith
Bollinger	Jenkins	Soniat
Burns	Kilbourne	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Conroy	Landry, E. J.	Tate
Corne	Lanier	Toomy
De Blieux	LeBleu	Ullo
Dennis	Leigh	Velazquez
Derbes	Lennox	Warren
Deshotels	Lowe	Weiss
Drew	McDaniel	Willis
Duval	Martin	Zervigon
Fayard	Mauberret	
Fontenot	O'Neill	
Total—58.		

NAYS

Delegates—		
Alario	Ginn	Reeves
Alexander	Gravel	Robinson
Armentor	Guidry	Roemer
Avant	Haynes	Roy
Badeaux	Henry	Sandoz
Bel	Hernandez	Segura
Blair	Jack	Shannon
Brien	Jackson, A.	Silverberg
Brown	Jackson, J.	Slay
Burson	Juneau	Stagg
Cannon	Kean	Stephenson
Carmouche	Kelly	Tapper
Casey	Kilpatrick	Taylor
Chehardy	Landry, A.	Thistlethwaite
Colten	LeBreton	Thompson
Conino	Leithman	Tobias
Cowen	Miller	Toca
D'Gerolamo	Mire	Triche
Dennery	Munson	Vesich
Dunlap	Newton	Vick
Edwards	Nunez	Wall
Elkins	Ourso	Winchester
Flory	Perez	Wisham
Fowler	Rachal	Womack
Fulco	Rayburn	
Total—74.		

ABSENT

Total—0.

And the motion was rejected.

Delegate Jenkins then moved to recess until 7:00 p.m., which motion was rejected.

The question then recurred on the original motion to proceed to the election of the Chairman which motion was adopted, viva voce.

Motion

Delegate Stovall then moved that no more than five minutes be allowed each delegate placing a name in nomination for Chairman.

Substitute Motion

Delegate Gravel moved as a substitute that each nominating speech be no more than five minutes, further that one

seconding speech of two minutes be allowed and that a majority vote be necessary for election of the Chairman.

Delegate Chehardy seconded the motion.

Amendment

At the request of Delegate Roy and by leave of the Convention the Gravel motion was amended to allow two seconding speeches of three minutes each.

The vote then recurred on the substitute motion by Delegate Gravel which was adopted, viva voce.

Nominations

Delegate Dennery was recognized for the purpose of placing the name of Delegate Henry in nomination which nomination was seconded by Delegates Lanier and A. Jackson.

Delegate De Blieux was recognized for the purpose of placing the name of Delegate Tate in nomination which nomination was seconded by Delegates Fontenot and Conroy.

Delegate Anzalone was recognized for the purpose of placing the name of Delegate Lambert in nomination which nomination was seconded by Delegates Fayard and Mire.

Delegte Stovall was recognized for the purpose of placing the name of Delegate Dennis in nomination which nomination was seconded by Delegates Corne and Arnette.

On motion of Delegate Alexander and, without objection, the nominations for Chairman were closed.

Justice Sanders then appointed the following committee of tellers: Delegates Lanier, Casey, De Blieux, Conroy, Kilbourne, Juneau, Drew, Arnette and Wisham.

Justice Sanders then directed the Honorable Wade O. Martin, Jr., Secretary of State, to poll the Convention.

The following results were obtained.

FOR JUDGE DENNIS

Delegates—		
Abraham	Grier	Riecke
Arnette	Hardee	Stovall
Corne	McDaniel	
Dennis	Planchard	
Total—10.		

FOR E. L. HENRY

Delegates—		
Aertker	Haynes	Roemer
Alario	Henry	Roy
Alexander	Hernandez	Sandoz
Avant	Jack	Segura
Badeaux	Jackson, A.	Shannon
Bel	Jackson, J.	Silverberg
Blair	Juneau	Singletary
Brien	Kean	Slay
Burns	Kelly	Smith
Burson	Kilpatrick	Soniat
Cannon	Landrum	Stagg
Carmouche	Landry, A.	Stephenson
Casey	Lanier	Tapper
Champagne	LeBleu	Taylor
Chehardy	LeBreton	Thistlethwaite
Colten	Leithman	Thompson
Conino	Lennox	Toca
Cowen	Lowe	Toomy
D'Gerolamo	Mauberret	Triche
Dennery	Miller	Ullo
Dunlap	Munson	Velazquez
Edwards	Newton	Vesich
Elkins	Nunez	Vick
Flory	Ourso	Wall
Fowler	Perez	Winchester
Fulco	Rachal	Wisham
Ginn	Rayburn	Womack
Gravel	Reeves	Zervigon
Guidry	Robinson	
Total—86.		

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FOR LOUIS LAMBERT

Delegates—

Anzalone	Duval	Martin
Bergeron	Fayard	Mire
Bollinger	Guarisco	O'Neill
Brown	Hayes	Perkins
Chatelain	Jenkins	Warren
Deshotels	Lambert	Weiss
Total—18.		

FOR JUSTICE TATE

Delegates—

Armentor	Gauthier	Stinson
Conroy	Giarrusso	Sutherland
De Blieux	Kilbourne	Tate
Derbes	Landry, E. J.	Tobias
Drew	Leigh	Willis
Fontenot	Schmitt	
Total—17.		

The vote having been announced, on motion of Delegate Tate, seconded by Delegate Dennis and Lambert, and without objection Justice Sanders declared Delegate Henry elected by acclamation.

Justice Sanders then appointed the following committee of delegates to escort Delegate Henry to the Chair: Delegates Sutherland, Burns, Perez, Rayburn, Anzalone, Alexander, Jenkins, Kelly, A. Landry, Roemer, McDaniel and Miller.

Address

Delegate Henry then addressed the Convention.

Motion

Delegate Casey moved that the Convention officially recognize the outstanding service provided by Justice Sanders, as acting Chairman, and Wade O. Martin, Jr., as acting Secretary.

On motion of Delegate De Blieux the motion was amended to express appreciation to Gulf South Research Institute for their services.

The motion was seconded and adopted without objection.

Delegate Stagg then moved that **Robert's Rules of Order, Revised** be adopted as the rules of order of the Convention until permanent rules should be adopted, which motion was seconded and adopted viva voce.

Adjournment

Delegate O'Neill moved that the Convention do now adjourn until 10:00 o'clock A.M., January 12, 1973 at Independence Hall, which motion was seconded by Delegate Thompson and adopted by the Convention.

And Chairman Henry declared the Convention adjourned until 10:00 o'clock, A.M., January 12, 1973 at Independence Hall.

Prepared in accordance with the transcript and records of the Convention. Resolutions introduced on this day have been numbered by the Secretary in accordance with the Order of the Convention.

MOISE W. DENNERY,
Secretary.

DAVID R. POYNTER,
Chief Clerk.

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, January 12, 1973, Baton Rouge, La.

The Convention was called to order at 10:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fayard	Perez
Abraham	Flory	Perkins
Aertker	Fowler	Planchard
Alario	Fulco	Rayburn
Alexander	Gauthier	Reeves
Anzalone	Ginn	Riecke
Armentor	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Giarrusso	Sandoz
Avant	Guidry	Schmitt
Badeaux	Hayes	Segura
Bel	Haynes	Shannon
Bergeron	Hernandez	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stinson
Cannon	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Taylor
Chehardy	Landry, E. J.	Thistlethwaite
Colten	Lanier	Thompson
Conino	LeBleu	Tobias
Conroy	Leigh	Toca
Corne	Leithman	Toomy
Cowen	Lennox	Triche
D'Gerolamo	Lowe	Ullo
De Blieux	McDaniel	Velazquez
Dennery	Martin	Wall
Dennis	Mauberrert	Warren
Derbes	Miller	Weiss
Deshotels	Mire	Willis
Drew	Munson	Winchester
Dunlap	Newton	Wisham
Duval	O'Neill	Womack
Elkins	Ourso	Zervigon
Total—120.		

ABSENT

Delegates—		
Edwards	Jack	Roy
Fontenot	LeBreton	Stephenson
Guarisco	Nunez	Vesich
Hardee	Rachal	Vick
Total—12.		

The Chairman announced that there were 120 members
present and a quorum.

Prayer

Prayer was offered by the Delegate Stovall.

National Anthem

The Star Spangled Banner was played.

Introduction of Resolutions

Delegate Velazquez introduced the following Resolution,
which was seconded from the floor.

DELEGATE RESOLUTION No. 4—

Introduced by Delegates Velazquez and Schmitt:

A RESOLUTION

WHEREAS a tragedy has taken place in New Orleans, La.,
the effects, which have gone beyond that City—affecting
the State and the Nation.

WHEREAS, all the people of Louisiana black as well as
white deplore this senseless action.

WHEREAS this convention is meeting to write a consti-
tution which will guarantee the civil rights of all its citi-
zens under the rule of law.

WHEREAS, to maintain civilization and order, the indi-
vidual policeman remains our First line of defense.

BE IT RESOLVED, that the Louisiana Constitutional Con-
vention publicly deplores the above mentioned incident.

BE IT FURTHER RESOLVED, that as its first order of
business, before considering the Rules, we will stand for a
minute of silence in memory of

Deputy Police Superintendent Louis Sirgo

Patrolmen Paul Persigo

Patrolman Phil Coleman

Cadet Albert Harrell

BE IT FURTHER RESOLVED that the Louisiana Con-
stitutional Convention endorses the Tragedy Fund, which
is a legitimate fund raising activity composed of a broad
spectrum of citizens of all races and faiths and crossing
organizational lines, intended to raise funds for the families
of the deceased. Which Fund has been endorsed by Mayor
Moon Landrieu, Mayor of New Orleans.

The co-authors of this memorial are delegates:

Thomas A. Velazquez, Dist. 97

Joseph I. Giarrusso, Sr., Dist. 98

Read.

Without objection the Resolution was adopted.

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications
were received and read:

Chairman Henry announced from the chair a communi-
cation had been received from the office of the Attorney
General concerning the delegate oath of office.

State of Louisiana
DEPARTMENT OF JUSTICE

January 11, 1973

Honorable E. L. Henry
Chairman
Constitutional Convention
Speakers Office
State Capitol
Baton Rouge, Louisiana 70804

Dear Mr. Speaker:

In response to your verbal request for an opinion as to the
constitutionality of the delegate's oath contained in Act 2,
Section 5 of 1972, the opinion of this office is as follows:

The oath of office taken by each delegate to the Consti-
tutional Convention of 1973 on January 5, 1973 was the oath
prescribed by Act 2 of 1972:

"I hereby solemnly swear that I will support the consti-

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2nd Days Proceedings—January 12, 1973

tution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled, So help me God."

Article XIX, Section 1 of the 1921 Constitution prescribes the oath to be taken by all "officers" of the State:

"I, ----- do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention of 1973, according to the best of my ability and understanding. So help me God." (underscored words supplied)

It is the opinion of this office that the oath prescribed by Act 2 of 1972 is in substantial compliance with the constitutional oath of Article XIX, Section 1. That is, both oaths state that the delegate shall support the Constitution and laws of the United States. The oath in Act 2 of 1972 does not, however, call upon each delegate to swear that he will support the Constitution and laws of Louisiana as the oath in the 1921 Constitution does. Nevertheless, the oath in Act 2 of 1972 does prescribe that the delegate shall "observe and obey the limitation of authority contained in the Act." This is, in effect, a statement that the delegate will uphold the laws of Louisiana. And by so stating, the delegate does state that he will uphold the 1921 Constitution because there would be no law (for example, no Act 2 of 1972) without the Constitution.

Section 1(A)(3) of Act 2 of 1972 divides delegates into two distinct classes. Delegates who are elected are called "state elected officials" and delegates who are appointed are called "state employees". They are classified as such for the purposes of the state statutes regarding Governmental Ethics (R.S. 42:1101 et seq.) and public bribery. The remainder of Act 2 of 1972 is absolutely silent as to any other classification of delegates. Therefore, the absence of any other classification of elected delegates other than as "state elected officials" does not exclude the possibility that they are "state elected officials" for other purposes.

Article XIX, Section 1 of the 1921 Constitution declares that "All officers before entering upon (emphasis supplied) the duties of their offices shall take" (emphasis supplied) the prescribed oath (quoted above). The Constitution does not distinguish between elected officials for one purpose (for example, governmental ethics) and many purposes. Elected delegates being classified as "elected officials" may therefore be considered officers of the state for purposes of the Constitution. Accordingly, all elected delegates must take an oath. There is no provision of law requiring state employees to take any oath except in cases of which provision has been specifically made by state statute. Accordingly, appointed delegates who are classified as "state employees" under Act 2 of 1972 need take only the oath prescribed by that Act, namely, the oath taken by all delegates of the Constitutional Convention on January 5, 1973.

In light of the oath prescribed by the 1921 Constitution and the clear unequivocal language that all officers "shall take" the oath therein prescribed, and because Act 2 of 1972 classifies elected delegates as "state elected officials" for at least two purposes (thereby not excluding the possibility of their being "officers" for other purposes), it is recommended as a precaution that each elected delegate take the oath in Article XIX, Section 1 of the 1921 Constitution.

Very truly yours,

WILLIAM J. GUSTE, JR.
Attorney General

WJGjr:cc

P.S. After taking the oath, a resolution could be introduced as follows:

BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, re-affirm and adopt as their own and as the Act of the Convention, every act taken at the meeting of elected delegates held on January 5, 1973 including but not limited to the roll call of delegates,

the swearing of delegates and all other acts taken by said delegates as members of the Louisiana Constitutional Convention from that time to the present.

At the suggestion of the Chair the following oath of office as prescribed under Article XIX, Sec. 1 of the 1921 Constitution was administered to the delegates enumerated thereunder by the Hon. Wade O. Martin, Secretary of State:

OATH

"I, ----- do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention of 1973, according to the best of my ability and understanding. So help me God."

Taken by Delegates

Mr. Chairman	Fontenot	Perkins
Abraham	Fowler	Planchard
Aertker	Fulco	Rachal
Alario	Gauthier	Rayburn
Alexander	Giarrusso	Reeves
Anzalone	Ginn	Riecke
Arnette	Gravel	Robinson
Asseff	Grier	Roemer
Avant	Guidry	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Hernandez	Shannon
Blair	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Cannon	Kilbourne	Stinson
Carmouche	Kilpatrick	Stovall
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Taylor
Colten	Lanier	Thitslethwaite
Conino	LeBleu	Thompson
Conroy	LeBreton	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Triche
De Blieux	Lowe	Ullio
Dennery	McDaniel	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberret	Vick
Deshotels	Miller	Wall
Drew	Mire	Warren
Dunlap	Munson	Weiss
Duval	Newton	Willis
Edwards	Nunez	Winchester
Elkins	O'Neill	Wisham
Fayard	Ourso	Womack
Flory	Perez	Zervigon

Introduction of Resolutions

Delegate Abraham sent up the following Resolution.

DELEGATE RESOLUTION No. 5—

Introduced by Delegate Abraham:

A RESOLUTION

BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, re-affirm and adopt as their own and as the Act of the Convention, every act taken at the meeting of elected delegates held on January 5, 1973, including but not limited to the roll call of delegates, the swearing of delegates and all other acts taken by said delegates as members of the Louisiana Constitutional Convention from that time to the present.

Read.

Mr. Abraham moved the adoption of the Resolution.

Seconded by Delegate Womack.

Adopted without objection.

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2nd Days Proceedings—January 12, 1973

Delegate Stagg sent up the following Resolution on behalf of the temporary Committee on Rules.

COMMITTEE RESOLUTION No. 1—

By Delegate Stagg on Behalf of the Temporary Committee on Rules

A RESOLUTION

To provide for the standing rules of the Constitutional Convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the following be adopted as the standing rules of the Convention until otherwise amended or rescinded as herein provided:

CHAPTER 1

General Provisions

Quorum and Majority

Rule No. 1. Call to Order. The Convention shall convene at such time as ordered on the preceding working day by a majority of the delegates and the chairman shall call the Convention to order at that time. If a quorum is in attendance the Chairman shall cause the Journal of the preceding day to be read unless otherwise ordered by the Convention, to the end that any mistake may be corrected.

Rule No. 2. Quorum. Sixty-seven delegates to the Convention shall constitute a quorum for the transaction of business.

Rule No. 3. Roll Call. The secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the Convention and the names of delegates absent without leave, and enter the names of all absentees upon the Journal. If a voting machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with the rules.

Rule No. 4. Quorum Calls. A quorum call may be demanded by any delegate during any session of the Convention. When, upon such call, it is found that less than a quorum is present, the chairman shall order the doors of the Convention closed and direct the secretary to call the roll of the Convention and to note the names of the absentees. After such roll call the names of the absentees shall again be called and those for whose absence no excuse, or an insufficient excuse, is made, may, by order of a majority of delegates present, be sent for and taken into custody by the Sergeant-at-Arms or by his assistants appointed for the purpose, and brought to the floor of the Convention.

Rule No. 5. Absence from Convention Service. No delegate shall absent himself from the service of the Convention without first obtaining leave of the Convention. A majority of delegates may prescribe penalties for the non-attendance of delegates.

Rule No. 6. Absent Delegates. At any time the Convention is in session, whether upon first convening of the day's session or at any time after the hour has arrived to which the Convention stood adjourned, the chairman is authorized to send the Sergeant-at-Arms for any or all absent delegates as the majority of such delegates present shall agree.

Rule No. 7. Expense of Compelling Attendance. Any expenses involved in compelling the presence of an absent delegate shall be borne by such delegate, unless such excuse of non-attendance has been made as a majority of a quorum shall judge sufficient, in which case the expense shall be paid out of the appropriated funds to the Convention.

Admission to Floor

Rule No. 8. Persons Admitted. No person shall be admitted on the Convention floor while the Convention is in session or during the period five minutes before the time set for the convening of each session or the period five minutes after the adjournment of each session, except that delegates and members of the Convention staff may remain on the floor. Representatives of the news media shall be admitted to the floor as provided in Rule 11. Written messages may be delivered to the delegates by a sergeant-at-arms from persons outside the restricted area. The Convention floor, for purposes of these rules, is defined as the entire enclosed seating area of the delegates.

Rule No. 9. Restrictions on the Convention Floor. One chair shall be allowed each delegate on the convention floor and no other chairs shall be permitted in this section.

Rule No. 10. Special Permission. Special permission to sit on the convention floor may be granted by the chairman of the Convention to visiting officials of other states or of the United States or of foreign countries.

Rule No. 11. News Media. A designated place in the Convention Hall shall be provided for the news media, who shall have free access thereto. Accreditation of members of the press and of members of any news media for admission shall be administered by the Chairman. No member of the press or of any news media shall conduct any interview with a delegate on the Convention floor while the Convention is in session.

Rule No. 12. Administration of Rules. The Chairman of the Convention shall provide for the administration of the rules governing admission to the Convention as provided herein.

Rule No. 13. Regulation of Convention Area. The Chairman shall have the regulation and control of such parts of the Convention Hall and its passage or any other places of general assembly as are or may be set apart for the use of the Convention, its officers and employees.

Rule No. 14. Restrictions on Non-Delegates. No motion shall be deemed in order to admit any person not a delegate to the Convention floor to present any petition, memorial or address, or to read same.

Rule No. 15. Open Meetings. All meetings of the Convention shall be open to the public and the news media.

CHAPTER 2

Officers, Employees, and Duties Officers

Rule No. 16. Convention Officers. The officers of the Convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer. These officers shall constitute the Executive Committee of the Convention, shall be delegates to the Convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the Convention.

Employees

Rule No. 17. Convention Employees.

A. A Chief Clerk and a Sergeant-at-Arms shall be employed by the Chairman of the Convention subject to the approval of a majority vote of the entire Convention; they shall not be delegates to the Convention.

B. All other employees, necessary to aid the Convention, shall be employed by the Executive Committee of the Convention in accordance with Act 2 of the 1972 Regular Session.

Executive Committee

Rule No. 18. Duties. The Executive Committee shall:

A. Employ a research director, research assistants, secretarial and/or clerical personnel and such other employees as it deems necessary, in accordance with provisions of Act 2 of the 1972 Regular Session. The Executive Committee shall be a committee on administration, which shall consider research materials and personnel, convention budget and finance and other administrative details, facilities and physical arrangements for the Convention, for committee hearings and for the staff, outside grants and assistance to the Convention, purchases and rental of equipment, supplies and services, printing and related matters.

B. Assist the Chairman of the Convention in the assignment of delegates to their seats.

C. Serve as the executive board of the Convention in all matters requiring official sanction.

D. Assist the Chairman of the Convention in his capacity as supervisor of the research staff of the Convention.

The Chairman

Rule No. 19. Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such, Chairman of the Executive Committee. He shall:

A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;

B. Preserve order and decorum;

C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;

D. Confine delegates in debate to the question, prevent personal reflections, and determine the order of recognition when two or more delegates rise at the same time;

E. Designate the First Vice-Chairman to preside in his absence and establish the order of the Vice-Chairmen to preside in the absence of both the Chairman and the First Vice-Chairman;

F. Name a delegate to preside as chairman on each occasion when the Convention sits as a Committee of the Whole;

G. Assign, with the assistance of the Executive Committee,

the delegates to their seats, according to congressional districts;

H. At the request of at least twenty-seven delegates, a recorded yea and nay vote shall be ordered by the Chairman;

I. Sign all official documents of the Convention, attested by the Secretary;

J. Make corrections of the official journal of the Convention, if necessary, attested by the Secretary with notification of any substantive changes being made to the Convention at large;

K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention;

L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;

M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;

N. Sign all warrants and/or checks;

O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;

P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

First Vice-Chairman

Rule No. 20. Duties. The First Vice-Chairman shall serve as First Vice-Chairman of the Convention, and as such, shall:

A. Preside as acting Convention chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve;

B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman;

C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Rule No. 21. Vice-Chairmen. The Vice-Chairmen shall:

A. Preside in the absence of the Chairman and the First Vice-Chairman in the order established by the Chairman as provided in Rule No. 19E;

B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman.

C. The Chairman shall designate Vice-Chairmen to serve ex officio on each of the three remaining procedural committees. No Vice-Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

Secretary

Rule No. 22. Duties. The Secretary shall:

A. Exercise responsibilities for the accuracy of the Convention Journal of Proceedings, and the daily publication and distribution of the Journal;

B. Keep a verbatim written record and a sound recording of all proceedings of the Convention and of the Committee of the Whole;

C. Prepare a daily calendar of business and notices of schedules of all committee meetings;

D. Receive, reproduce, number, and distribute all resolutions, delegate and committee proposals;

E. Read to the Convention all proposals, resolutions, petitions, memorials and communications;

F. Exercise responsibility for roll calls of the delegates;

G. Attest where necessary all official documents of the Convention;

H. Preserve and safeguard all original copies of official documents and be responsible for the preservation of all proceedings of the Convention and its committees, and see that all records are properly preserved in archives of the state;

I. Serve as a member of the Executive Committee;

J. Perform such other duties as may be designated by the Chairman or the Executive Committee.

Rule No. 23. Delegation of Secretary's Duties to Chief Clerk. Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the Secretary may delegate his duties to the Chief Clerk, subject to supervision by the Secretary.

The Treasurer

Rule No. 24. Duties. The Treasurer shall:

A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention;

B. Co-sign, with the Convention Chairman, all warrants and/or checks;

C. Serve as custodian of all Convention financial records;

D. Assist in the preparation of the Convention's budget;

E. File quarterly audits and the final audit of financial records with the State Treasurer, Clerk of the House of Representatives and the Secretary of the Senate;

F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention;

G. Serve as a member of the Executive Committee, and carry out such other duties as may be assigned by the Chairman.

Chief Clerk

Rule No. 25. Duties. The Chief Clerk:

A. Shall not be a delegate to the Convention;

B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rule No. 22, he shall do so under the supervision of the Secretary;

C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body;

D. Shall serve as Parliamentarian of the Convention and shall be advisor and counsel to the Chairman and committee chairman on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of, and shall be made by the Chairman.

Sergeant-at-Arms

Rule No. 26. Duties. The Sergeant-at-Arms shall:

A. Attend the Convention during its sitting, to execute commands as directed to him by the chairman, including signing for and delivery of correspondence addressed to delegates;

B. Maintain order in the Convention Hall and execute Rules of the Convention concerning admission to the floor;

C. Maintain order at committee hearings and assist committee chairmen in their duties.

D. Exercise supervisory control over his assistants, subject to direction of the chairman.

CHAPTER 3

Delegates

Rule No. 27. Delegates Oath. No delegate shall be qualified to serve unless and until he has taken the prescribed oath.

Rule No. 28. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the chair. He shall not speak until recognized, and when recognized, he shall confine himself to the question under debate.

Rule No. 29. Transgression of Rules. If any delegate in speaking or otherwise, transgresses the rules of the Convention, the chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the chairman or the Convention.

Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than fifteen minutes, without leave of the Convention, unless the delegate is the mover, proposer or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered. When the previous question has been ordered, the mover, proposer or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of fifteen minutes.

Rule No. 31. Prohibited Behavior. No delegate shall walk off of the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

Rule No. 32. Questions of Order. Every question of order shall be decided by the chairman, without debate, subject to an appeal. The chairman may call for the sense of the Convention on any question of order, but when an appeal has been taken from the decision of the chair, any subsequent question of order which may arise from the decision of such appeal by the Convention shall be decided by the chairman without debate, and all appeals therefrom shall also be decided by the Convention without debate. Appeals from any

ruling of the chairman shall be affirmatively put, and to overrule the chairman, shall require the same vote required to suspend the rules. (See Rule No. 85.)

Rule No. 33. Answering Roll Calls. Every delegate must be at his desk when a roll call is being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

Rule No. 34. Absence from Daily Sessions. A delegate may be excused from attendance at daily sessions only with leave from the chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

Rule No. 35. Vacancies. By a vote of at least two thirds of the delegates to the Convention, the seat of a delegate may be declared vacant by the Convention if the delegate has been absent for at least fifteen unexcused, consecutive, opening roll calls. In the event of the death of, or written resignation by a delegate, the seat may be immediately declared vacant by the Chairman. The Chairman shall notify the Governor of any vacancy.

Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote or to answer any roll call or quorum call.

CHAPTER 4 Proposals

Rule No. 37. Proposal. Any original suggestion, proposition, or draft intended to become a part of the Constitution shall be referred to as a proposal. A proposal introduced by a delegate shall be designated as a delegate proposal, and a proposal submitted by a committee shall be designated as a committee proposal. An amendment shall be designated as an amendment.

Rule No. 38. Resolutions. All matters of general convention business, other than proposals intended to become a part of the Constitution, shall be proposed through the instrument of a resolution, which instrument shall be so designated and may be introduced at any time.

A resolution introduced by a delegate shall be designated as a delegate resolution, and a resolution submitted by a committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of readings, committee referral and adoption as proposals. Resolutions shall contain a short title which shall be reflective of its purpose and substance, and shall comply with the form requirements of Rule No. 41.

Rule No. 39. Introduction. A proposal may be introduced by a delegate or delegates or by a committee on behalf of a majority of its membership.

Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the Convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee.

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8-1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:
Constitutional Convention of Louisiana of 1973

—PROPOSAL—

(Committee or Delegate) (Number)
Introduced by (Name of Delegate or Committee Chairman)
Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

Rule No. 42. Deadline on Proposals. No proposals may be introduced by delegates after the first sixty days following July 5, 1973; committee proposals however, may be

introduced at any time, provided rules governing procedures for adoption are followed. Amendments to proposals may be offered any time.

Rule No. 43. Printing. Each proposal introduced shall be immediately printed and distributed to the delegates and shall be available to the general public and other interested parties. No final action may be taken on any proposals until printed copies have been distributed to the delegates for at least forty-eight hours.

Rule No. 44. Order of Processing. The order of Convention procedure in processing each proposal shall be as follows:

- A. Introduction, which shall constitute the first reading.
- B. Committee referrals: Committee proposals shall be referred to the Committee offering the proposal. Delegate proposals shall be referred by the Chairman of the Convention to the appropriate committee based on the subject matter of the proposal. The Chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the Committee designated by the Chairman; if objection is raised, the referral shall be made by the Convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.
- C. Committee reports.
- D. Consideration of and voting on the substantive committee report by delegates in general assembly.
- E. If recommitted, reconsideration by substantive committee or committee of the whole.
- F. Reference to committee on style and drafting.
- G. Engrossment, which shall complete the second reading.
- H. Third reading and final passage.
- I. Enrollment.
- J. Referral to Committee on Style and Drafting.
- K. Convention approval of final styling.
- L. Final enrollment.

Each of the three required readings shall occur on three different days.

Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Rule No. 47. Styling and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, to the end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Rule No. 48. Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

CHAPTER 5 Committees

Substantive, Procedural and Other

Rule No. 49. Substantive Committees.

The following substantive committees are hereby created:

1. **Committee on Bill of Rights and Elections**, which shall consider the Preamble, Bill of Rights, Human Rights, Obligations of Citizenship, distribution of powers, suffrage and elections, the amendment process, and future constitutional conventions;
2. **Committee on Executive Department**, which shall consider the offices comprising the executive department, reorganization, term of the Governor and other elected officials, and impeachment;
3. **Committee on Legislative Powers and Functions**, which shall consider the Legislative Department, apportionment, qualifications, regular and special sessions;
4. **Committee on Judiciary**, which shall consider the judiciary, tenure and selection of judges, the Department of Justice, district attorneys, sheriffs, clerks of court and coroners;
5. **Committee on Local and Parochial Government**, which shall consider local and parochial government, home rule, special districts, consolidation of governments and inter-governmental cooperation;
6. **Committee on Revenue, Finance and Taxation**, which shall consider revenue, finance, taxation, assessors and assessment, exemptions, state debts and management of state funds;
7. **Committee on Education and Welfare**, which shall con-

sider public education, Board of Regents for Higher Education, welfare, consumer affairs, civil service, labor and industry; and

8. Committee on Natural Resources and Environment, which shall consider public lands, minerals, water resources, wildlife, environmental concerns, recreation and agriculture.

Other provisions that may not be covered by the areas of responsibility shown above may be assigned by the Coordinating Committee to the appropriate substantive committee.

Rule No. 50. Procedural Committees.

The following procedural committees are hereby created:

1. Committee on Rules, Credentials, Ethics and Schedules, which shall consider rules, credentials of delegates, questions of ethics, press and employees, schedules, calendar, agenda, and shall consider all questions on any procedural disputes referred to it by the Chairman or by the Convention;

2. Committee on Style and Drafting, which shall have control over literary style, consistency, arrangement and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it; and

3. Committee on Legislative Liaison and Transitional Measures, which shall maintain liaison with the legislative branch and the Louisiana Law Institute and provide for coordination of the transition of subject matter from the Constitution to the appropriate statute law.

4. Committee on Public Information, which shall consider and implement measures to inform the people on the actions, procedures, recommendations and activities of the Convention. It shall plan and implement the report to be given to the voters of Louisiana on the result of the Convention's work, and shall direct the effort to obtain approval of the new Constitution and the form and manner of presentation.

Rule No. 51. Appointment of Committees.

The selection of delegates to serve on the substantive and procedural committees shall be determined as follows:

Within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said delegates the delegates to serve on each committee after giving due consideration to the preference of each delegate and based on the qualifications, experience and residence of each delegate so as to provide as nearly as possible a fair and balanced representation on each committee of this Convention.

Rule No. 52. Committee on Committees.

The Committee on Committees shall be composed of the Chairman of the Convention who shall be chairman of the Committee on Committees and sixteen delegates, with two delegates to be elected from each congressional district by the delegates voting in the congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate caucuses.

Rule No. 53. Service on Committees.

Each substantive and procedural committee shall be composed of at least ten delegates and no more than twenty. Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary.

The Chairman of the Convention shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First Vice-Chairman of the Convention, and the chairmen of the respective substantive committees. The Coordinating Committee shall consider any issues regarding omissions, overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or any subject matter; call joint meetings of any substantive committees for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respec-

tive substantive committees as to possible resolution thereof.

Rule No. 55. Other Committees. The Convention shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such sub-committees as each deems necessary, provided that all such sub-committees shall be created only by a majority vote of the creating body.

Rule No. 56. Proposals. The various articles of the proposed draft of a Constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the Convention after consultation with the chairman of the committee to which the staff will be assigned.

Committee Hearings

Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention, unless the question has been raised before the committee. The rules of the Convention shall be observed in all committees as far as may be applicable, and, if applicable, may not be suspended.

Rule No. 58. A. Public Hearings, Records. No committee shall sit during sessions of the Convention or of the Committee of the Whole without special leave of a majority of Convention delegates present and voting. All committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Minutes of the committee meetings shall be recorded. All committees shall, and are hereby authorized to, hold public hearings either as a committee or through a designated sub-committee, said hearings to be conducted at such localities throughout the State as the committee may designate.

B. Appearance of Delegates or Witnesses. Any person wishing to be heard before a committee shall have a right to be heard subject to the rules of that committee.

C. Committees and sub-committees may take testimony under oath or affirmation, and the chairman of any committee or sub-committee is authorized to administer the oath.

Rule No. 59. Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once.

Rule No. 60. Reports. All proposals submitted to a substantive committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report; a minority report may also be made by any member of a substantive committee.

Rule No. 61. Form of Reports. The chairman of a substantive committee shall write after each proposal or resolution only the words "reported favorably," "reported unfavorably," "reported with amendments," "reported without action," "re-committed to the Committee on _____," "reported by ported without action with recommendation that it be re-substitute," as the case may be, which report shall be signed by the chairman. Should amendments be proposed, such amendment or amendments shall be written on a separate paper, original and two copies, numbered consecutively, and attached to the proposal or resolution, and under no circumstances shall words or sentences be interlined on the body of the measure, and the same be marked while in possession of committees.

Rule No. 62. Notice of Committee Meetings. No committee meetings may be held unless notice thereof is given in the following manner: The chairman of the committee or the members of the committee calling the meeting shall notify the Secretary of the Convention of the time, date, and place of the committee meeting. Within twenty-four hours thereof the committee meeting. Within twenty-four hours thereafter the Secretary shall mail notices of such meeting to all members of the committee, all persons who have filed written requests for notice with the Secretary, and to all members of the Convention who have introduced proposals on the subject matter to be considered. The committee hearing

shall not be scheduled less than four days from the date of notice to the Secretary. This rule shall apply only when the convention is not in session.

B. Committee and sub-committee meetings while the Convention is in session may be called by the chairman or by a majority of the Convention members upon twenty-four hour notice given by announcement from the floor of the Convention and by posting the notice thereof on a designated bulletin board in the vicinity of the floor of the Convention at least twenty-four hours before such meeting.

Rule No. 63. Sub-Committees. A committee, by the affirmative vote of the majority of its members, may provide for the appointment by the committee chairman of sub-committee composed of members of the committee. Reports of sub-committees shall be considered by the entire committee by any committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to sub-committees.

Rule No. 64. Records. All written records and reports of committees of the Convention shall be subject to provisions of the Public Records Act.

Committee of the Whole

Rule No. 65. Procedure. The Convention by a majority vote of the delegates present and voting may resolve itself into a Committee of the Whole for a specified time and purpose. The motion of the Committee of the Whole shall specify the maximum time during which the Committee shall sit.

A. The chairman shall designate a delegate to serve as chairman of the Committee of the Whole. The rules of procedure of the Convention shall apply insofar as applicable, except that delegates may speak more than once unless the chairman imposes limits on debate, actions will be governed by a majority of those present and voting, matters cannot be referred to other committees, no question may be laid on the table, the previous question cannot be ordered, and motions to adjourn will not be entertained.

B. Proposals in the Committee of the Whole shall be read through, debated and acted upon by sections. All amendments shall be in writing and reported to the Convention by the chairman.

C. A motion that the Committee of the Whole rise shall always be in order unless a delegate is speaking or a vote is being taken. The motion is not debatable and shall be decided by a majority vote of those present and voting.

CHAPTER 6

Transaction of Business

Daily Business

Rule No. 66. Order. The daily business of the Convention shall proceed as follows:

Morning Hour

1. Roll call.
2. Prayer.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
6. Report of Committees.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration

Regular Order of the Day

12. Unfinished Business.
13. Special Order.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.
16. Proposals on calendar for approval of final styling.

Rule No. 67. Change in Daily Order. The order of daily business set forth in the above rule shall be adhered to unless the consent of the Convention shall be otherwise given by majority vote of the delegates present.

Rule No. 68. Time of Committee Referral. Where appropriate, all petitions and memorials shall be referred to the proper committees by the chairman as soon as read, where reference may be necessary or is requested by a delegate.

Rule No. 69. Privileged Motions. When a question is under debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.

3. To take a recess.
4. To call for the Orders of the Day.
5. To lay on the table.
6. For a Call of the Convention.
7. To limit debate.
8. To move the previous question on the entire subject matter.
9. To move the previous question.
10. To postpone to a day certain.
11. To commit, refer, or recommit.
12. To amend.
13. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question and the previous question on the entire subject matter shall require a vote of two-thirds of the delegates present voting, and a motion to postpone indefinitely requires the affirmative vote of a majority of all delegates to the Convention. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, any pending amendments to the proposal shall first be in order before any vote is taken on any such motion.

Rule No. 70. Motions Not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order shall be decided without debate.

Rule No. 71. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the Convention.

Rule No. 72. Format of Motions and Seconds. Motions shall be presented in the following manner:

A. No motion listed in Rule No. 69 need be in writing. Where a motion is in writing the delegate shall attach his or her name hereto before it is received by the Chairman or read by the Secretary, or before it is debated, if debate is in order.

B. No motion need be seconded.

Rule No. 73. Motion for Reconsideration. Any member may move for a reconsideration of any question at the same session of the Convention or the next succeeding session. The Committee on Style and Drafting may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the Secretary and is entered upon the Journal. A motion to reconsider shall be taken up in its regular order and shall be decided upon by a majority vote of those members present and voting.

A motion to reconsider shall not be renewed on the same day.

Rule No. 74. Motion to Call from the Table. A motion which has been laid on the table shall be called from the table only by the affirmative vote of two-thirds of the delegates to the Convention.

Rule No. 75. Division of a Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule. No section of a proposal may be divided. The limits on debate as set forth in Rule No. 30 of these rules shall apply to the debate on each division of a question.

Rule No. 76. Previous Questions. A. Previous question. This undebatable motion is applicable only to the pending amendment, or amendments, if more than one amendment is under discussion; and it shall be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried its effect shall be to put an end to the debate and bring the Convention to a vote on the pending amendments only, without prejudice to further debate on, or subsequent amendments to the main question. If there has been any discussion on the amendments, the pro-

ponent, or a delegate designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes.

B. Previous question on the entire subject matter. It shall only be admitted when ordered by a favorable vote on two-thirds of the delegates present and voting, and when carried, its effect shall be to put an end to all debate, and bring the Convention to a direct vote—

(1) Upon the pending amendment and so on back to the first amendment offered;

(2) Upon amendment reported by a committee, if any; and,

(3) Upon the main question. But in all questions involving length of time, amount of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes, may have been made.

On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to a decision of the main question. On a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter, and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put and determined in order as above, without debate on either amendments or the main question, provided that the proponents of the amendments and measure, or a delegate designated by him, shall respectively have the right to close the debate, after the previous question on the entire subject matter is ordered, which closing speeches shall be limited to a total of fifteen minutes.

Rule No. 77. Adjournment and Recess. A motion to adjourn or recess shall always be in order, except when, on a call for the previous question and previous question on the entire subject matter, the question shall have been ordered, or when a delegate has the floor, and shall be decided without debate.

Yeas and Nays

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. The names of absentees on all calls of the yeas and nays shall be placed on a separate list.

Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record.

Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the chairman shall be taken to break the tie, provided that the chairman, in this event, shall not have previously voted as a delegate on the question.

Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be entered in the Journal, and no proposal, section, or article shall be declared passed unless a majority of all delegates to the Convention shall have voted in favor of the passage of same.

Special Orders

Rule No. 82. Consent. No proposal, resolution or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present.

Rule No. 83. Precedence. When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time for which they were severally made or assigned, and said orders shall at no time be lost or changed except by direction of the Convention.

Rule No. 84. Change in Rules. Any standing rule of the convention may be rescinded, altered, or amended in the following manner: Notice shall be given in writing of the motion therefore, which motion shall be referred immediately by the chairman to the Committee on Rules, which shall file its

report to the Convention within twenty-four hours of receipt of the motion. Two days after the filing of the proposed change, the motion shall be considered by the Convention with or without the report of the Committee on Rules, and for passage shall require a vote of a majority of the delegates to the Convention.

Rule No. 85. Suspension of Rules. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number.

Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following shall constitute notice:

(a) If the Convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(b) If the Convention is not in session, the Secretary shall give notice to the delegates by U. S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or inexplicit, Mason's Manual of Legislative Procedure shall be considered authority.

Motion

Delegate Stagg moved that the rules be considered *seriatim*.

Seconded by Delegate Kean.

Adopted without objection.

Rule No. 1. Call to Order. The Convention shall convene at such time as ordered on the preceding working day by a majority of the delegates and the chairman shall call the Convention to order at that time. If a quorum is in attendance, the Chairman shall cause the Journal of the preceding day to be read unless otherwise ordered by the Convention, to the end that any mistake may be corrected.

Read.

Delegate Stagg moved the adoption of Rule No. 1.

Seconded by Delegate Kean.

Adopted without objection.

Rule No. 2. Quorum. Sixty-seven delegates to the Convention shall constitute a quorum for the transaction of business.

Read.

Delegate Stagg moved the adoption of Rule No. 2.

Seconded by Delegate Kean.

Adopted without objection.

Rule No. 3. Roll Call. The secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the Convention and the names of delegates absent without leave, and enter the names of all absentees upon the Journal. If a voting machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with these rules.

Read.

Delegate Stagg moved the adoption of Rule No. 3.

Seconded by Delegate Kean.

Delegate Kean sent up the following amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee

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2nd Days Proceedings—January 12, 1973

Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 2, line 2, immediately after the word "names" delete "of all absentees" and insert in lieu thereof "all those present and absent"

Delegate Kean moved the adoption of the amendment.

Seconded by Delegate Rayburn.

Amendment adopted without objection.

On motion of Delegate Staggs, Rule 3, as amended was adopted without objection.

Rule No. 4. Quorum Calls. A quorum call may be demanded by any delegate during any session of the Convention. When, upon such call, it is found that less than a quorum is present, the chairman shall order the doors of the Convention closed and direct the secretary to call the roll of the Convention and to note the names of the absentees. After such roll call the names of the absentees shall again be called and those for whose absence no excuse, or an insufficient excuse, is made, may, by order of a majority of delegates present, be sent for and taken into custody by the Sergeant-at-Arms, or by his assistants appointed for the purpose, and brought to the floor of the Convention.

Read.

Delegate Staggs moved the adoption of Rule No. 4.

Seconded by Delegate Kean.

At this time the Hon. Wade O. Martin, Jr., Secretary of State, administered the following Oath of Office to Delegate Anthony J. Guarisco, Jr.

"I, Anthony J. Guarisco, Jr. do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as a delegate to the Constitutional Convention of 1973, according to the best of my ability and understanding. So help me God."

Delegate O'Neill sent up floor amendments which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 2, line 13, immediately after the word "absence" and before the words "no excuse" insert the following: "the majority of the delegates find"

Seconded by Delegate Wisham.

And the amendment was rejected viva voce.

On motion of Delegate Staggs, Rule No. 4 was adopted viva voce.

Rule No. 5. Absence from Convention Service. No delegate shall absent himself from the service of the Convention without first obtaining leave of the Convention. A majority of delegates may prescribe penalties for the non-attendance of delegates.

Delegate Staggs moved the adoption of Rule 5.

Seconded by Delegate Kean.

Delegate Kean in the Chair

Delegate Tapper sent up a Floor Amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tapper to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 2, line 20, immediately after "Convention" strike out the remainder of the line and strike out lines 21 and 22 in their entirety.

Delegate Tapper moved the adoption of the amendments.

Seconded by Delegate Segura.

And upon a division of the Convention, and by a vote of 65 yeas and 50 nays, the amendment was adopted.

Motion

Delegate Abraham moved the previous question.

Delegate Stinson objected.

Point of Order

Delegate Stinson sought a ruling of the Chair as to whether the motion for the previous question was in order.

The Chair ruled that the motion for the previous question was in order.

Appeal

Delegate Stinson appealed the ruling of the Chair that the motion for the previous question was in order.

And upon a division of the Convention, the Chair was sustained.

And the vote recurred on the motion for the previous question.

Upon a division of the Convention, and by a vote of 89 yeas and 24 nays, the previous question was ordered.

Delegate Stinson sent up floor amendment, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stinson to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 2, line 20, immediately after the word "out" delete the word "first"

Delegate Stinson moved the adoption of the amendment.

Seconded by Delegate Roemer.

The amendment was adopted, viva voce.

Chairman Henry in the Chair

At this time the Hon. Wade O. Martin, Jr., Secretary of State, administered the following oath of Office to delegates Stephenson and Hardee.

"I, James E. Stephenson and Henry G. Hardee do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention of 1973, according to the best of my ability and understanding. So help me God."

Delegate Bergeron sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bergeron to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

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AMENDMENT No. 1—

On page 2, line 19, immediately after the word "Convention" and insert the following:
"while in session."

Delegate Bergeron moved the adoption of the amendment.

Seconded by Delegate Bergeron.

And the amendments was adopted viva voce.

Delegate Burson sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT NO. 1—

On page 2, line 20, immediately after the word and punctuation "convention" add the following:

"Leave for absence from a daily session may be obtained from the Chairman as prescribed in Rules 34,"

Delegate Burson moved the adoption of the amendment.

Seconded by Delegate Leigh.

And the amendment was adopted viva voce.

Delegate Stagg moved the adoption of Rule 5, as amended.

Seconded by Delegate Kean.

And Rule 5, as amended, was adopted, viva voce.

Recess

Delegate Juneau moved that the convention be recessed until 1:45 o'clock, P.M., which motion was agreed to without objection.

And the Chairman declared the Convention in recess until 1:45 o'clock, P.M.

After Recess

Chairman Henry called the Convention to order.

Delegate Tate suggested the absence of a quorum.

ROLL CALL

The roll being called the following delegates answered to their name:

PRESENT

Delegates—

Mr. Chairman	Derbes	Kilbourne
Abraham	Deshotels	Lambert
Aertker	Drew	Landrum
Alexander	Dunlap	Landry, A.
Anzalone	Duval	Landry, E. J.
Arnette	Edwards	Lanier
Asseff	Elkins	LeBleu
Avant	Fayard	LeBreton
Badeaux	Flory	Leigh
Bel	Fontenot	Leithman
Bergeron	Fulco	Lennox
Bollinger	Gauthier	Lowe
Brien	Giarrusso	McDaniel
Burns	Ginn	Martin
Burson	Gravel	Mauberret
Carmouche	Grier	Miller
Champagne	Guarisco	Munson
Chatelain	Hardee	Newton
Chehardy	Hernandez	O'Neill
Conino	Jackson, J.	Perez
Corne	Jenkins	Perkins
Cowen	Juneau	Planchard
D'Gerolamo	Kean	Reeves
Dennis	Kelly	Riecke

Robinson
Roemer
Roy
Sandoz
Schmitt
Segura
Shannon
Silverberg
Singletary
Slay
Stagg
Stephenson
Total—106.

Stovall
Sutherland
Tapper
Tate
Taylor
Thistlethwaite
Thompson
Tobias
Toca
Triche
Ullo
Velazquez

Vesich
Vick
Wall
Warren
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

ABSENT

Delegates—

Alario
Armentor
Blair
Brown
Cannon
Casey
Colten
Conroy
De Blieux
Total—26.

Denney
Fowler
Guidry
Hayes
Haynes
Jack
Jackson, A.
Kilpatrick
Mire
Nunez
Ourso
Rachal
Rayburn
Smith
Soniati
Stinson
Toomy

And the Chair announced there were 106 members present and a quorum.

Rule No. 6. Absent Delegates. At any time the Convention is in session, whether upon first convening of the day's session or at any time after the hour has arrived to which the Convention stood adjourned, the chairman is authorized to send the Sergeant-at-Arms for any or all absent delegates as the majority of such delegates present shall agree.

Read.

Delegate Stagg moved the adoption of Rule No. 6.

Seconded by Delegate Kean.

And the Rule was adopted, viva voce.

Rule No. 7. Expense of Compelling Attendance. Any expenses involved in compelling the presence of an absent delegate shall be borne by such delegate, unless such excuse of non-attendance has been made as a majority of a quorum shall judge sufficient, in which case the expense shall be paid out of the appropriated funds to the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 7.

Seconded by Delegate Kean.

And the Rule was adopted, viva voce.

Rule No. 8. Persons Admitted. No person shall be admitted on the Convention floor while the Convention is in session or during the period five minutes before the time set for the convening of each session or the period five minutes after the adjournment of each session, except that delegates and members of the Convention staff may remain on the floor. Representatives of the news media shall be admitted to the floor as provided in Rule 11. Written messages may be delivered to the delegates by a sergeant-at-arms from persons outside the restricted area. The Convention floor, for purposes of these rules, is defined as the entire enclosed seating area of the delegates.

Delegate Stagg moved the adoption of Rule No. 8.

Seconded by Delegate Leithman.

And the Rule was adopted, viva voce.

Rule No. 9. Restrictions on the Convention Floor. One chair shall be allowed each delegate on the convention floor and no other chairs shall be permitted in this section.

Read.

Delegate Stagg moved the adoption of Rule No. 9.

Seconded by Delegate Kean.

Delegate Stagg sent up floor amendments to both Section 9 and Section 10 which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 3, line 14 change "convention" to "Convention"

AMENDMENT No. 2—

On page 3, line 17 change "convention" to "Convention"

And the amendments were adopted without objection.

On motion of Delegate Stagg, Rule 9, as amended, was adopted viva voce.

Rule No. 10. Special Permission. Special permission to sit on the convention floor may be granted by the chairman of the Convention to visiting officials of other states or of the United States or of foreign countries.

Read.

Delegate Stagg moved the adoption of Rule 10 as previously amended.

Seconded by Delegate Leithman.

And the Rule was adopted, viva voce.

Rule No. 11. News Media. A designated place in the Convention Hall shall be provided for the news media, who shall have free access thereto. Accreditation of members of the press and of members of any news media for admission shall be administered by the Chairman. No member of the press or of any news media shall conduct any interview with a delegate on the Convention floor while the Convention is in session.

Read.

Delegate Stagg moved adoption of Rule No. 11.

Seconded by Delegate Leithman.

And Rule No. 11 was adopted viva voce.

Rule No. 12. Administration of Rules. The Chairman of the Convention shall provide for the administration of the rules governing admission to the Convention as provided herein.

Read.

Delegate Stagg moved adoption of Rule No. 12.

Seconded by Delegate Leithman.

And Rule No. 12 was adopted viva voce.

Rule No. 13. Regulation of Convention Area. The Chairman shall have the regulation and control of such parts of the Convention Hall and its passage or any other places of general assembly as are or may be set apart for the use of the Convention, its officers and employees.

Read.

Delegate Stagg moved adoption of Rule No. 13.

Seconded by Delegate Leithman.

And Rule 13 was adopted viva voce.

Rule No. 14. Restrictions on Non-Delegates. No motion shall be deemed in order to admit any person not a delegate to the Convention floor to present any petition, memorial or address, or to read same.

Read.

Delegate Stagg moved adoption of Rule No. 14.

Seconded by Delegate Leithman.

Delegate Burson sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 2, after the words "in order" insert the following

"except a motion to suspend the rules or a motion to go into the committee of the whole,"

Delegate Burson moved adoption of amendment.

Seconded by Delegate Bollinger.

And the amendment was adopted viva voce.

Delegate Triche sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Triche to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, at the end of line 1, delete the period "." and add the following:

"except in the Committee of the Whole as may be provided by the Convention in accordance with Rule No. 65."

Delegate Triche moved the adoption of the amendment.

Seconded by Delegate O'Neill.

And the amendment was adopted viva voce.

Delegate Stagg moved the adoption of Rule No. 14, as amended.

Seconded by Delegate Leithman.

And the Rule was adopted viva voce.

Rule No. 15. Open Meetings. All meetings of the Convention shall be open to the public and the news media.

Read.

Delegate Stagg moved the adoption of Rule 15.

Seconded by Delegate Leithman.

Delegate Roemer sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roemer to Committee Resolution No. 1 by Delegate Stagg.

Amend the printed proposed rules as follows:

AMENDMENT No. 1—

On page 4, at the beginning of line 6, after the partial word "tion" and before the word "shall" insert the following: "including committee meetings"

Delegate Roemer moved the adoption of the amendment.

Seconded by Delegate Reeves.

And the amendment was rejected, viva voce.

Delegate Jenkins sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 6, after the portion of the word "tion" insert the words

“, including all meetings of committees and sub-committees,”

Delegate Jenkins moved the adoption of the amendments.

Seconded by Delegate LeBreton.

On motion of Delegate Jenkins the amendments were withdrawn.

At this time the Hon. David R. Poynter, Clerk of the House of Representatives, administered the following Oath of Office to Delegate Chris Roy.

OATH

“I, Chris Roy do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as a **delegate to the Constitutional Convention of 1973**, according to the best of my ability and understanding. So help me God.” (underscored words supplied)

Delegate Stagg moved the adoption Rule No. 15.

Seconded by Delegate Kean.

And the Rule was adopted viva voce.

Delegate Lambert sent a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lambert to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 21, between lines 10 and 11, insert the following: “Rule No. 15.1. **Public Notice.** The provisions of R.S. 42:7 shall be applicable to all meetings of this Constitutional Convention, all meetings of its committees, sub-committees, all proceedings, hearings and other related activities.”

Delegate Lambert moved the adoption of the amendment.

On motion of Delegate Lambert the amendment was withdrawn.

Rule No. 16. Convention Officer. The officers of the Convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer. These officers shall constitute the Executive Committee of the Convention, shall be delegates to the Convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 16.

Seconded by Delegate Kean.

Delegate Reeves sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Reeves and Roemer to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 13, strike out the word “constitute” and insert in lieu thereof “be members of”

Delegate Reeves moved the adoption of the amendment.

Seconded by Delegate Roemer.

On motion of Delegate Reeves the amendments were withdrawn.

Delegate Stagg withdrew his motion to adopt Rule No. 16.

Motion

Delegate Stagg then moved to take Rule No. 18 out of its regular order.

Seconded by Delegate Stovall.

Substitute Motion

As a substitute, Delegate Wall moved that Rules No. 16 and 18 be considered at the same time.

Seconded by Delegate Taylor.

The vote recurred on the substitute motion which was rejected, viva voce.

The question then recurred on Delegate Stagg's motion that Rule No. 18 be considered out of its regular order, which motion was agreed to.

Rule No. 18. Duties. The Executive Committee shall:

A. Employ a research director, research assistants, secretarial and/or clerical personnel and such other employees as it deems necessary, in accordance with provisions of Act 2 of the 1972 Regular Session. The Executive Committee shall be a committee on administration, which shall consider research materials and personnel, convention budget and finance and other administrative details, facilities and physical arrangements for the Convention, for committee hearings and for the staff, outside grants and assistance to the Convention, purchases and rental of equipment, supplies and services, printing and related matters.

B. Assist the Chairman of the Convention in the assignment of delegates to their seats.

C. Serve as the executive board of the Convention in all matters requiring official sanction.

D. Assist the Chairman of the Convention in his capacity as supervisor of the research staff of the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 18.

Seconded by Delegate Arnette.

Delegates Ray and Wall sent up a floor amendment which was read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegates Roy and Wall to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, at the end of line 28 strike out the “.” and add the following: “be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from its membership a Chairman and such other officers as it deems necessary. The Executive Committee, in addition to such duties as are prescribed by law or hereinafter set forth in these Rules, shall.”

Delegate Roy moved the adoption of the amendment.

Seconded by Delegate Ginn.

Delegate Kean in the Chair

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Chairman Henry in the Chair

On motion of Delegate Roy the amendment was withdrawn.

Delegate Avant sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 5, between lines 10 and 11 insert the following: "E. Any other provision in these rules to the contrary notwithstanding the Executive Committee may, when performing the duties assigned it in this rule, meet in Executive Session but no committee action shall be taken while in Executive Session."

Delegate Avant moved the adoption of the amendment.

Seconded by Delegate Zervigon.

On motion of Delegate Avant, the amendment was withdrawn.

Delegate Avant sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 5, between lines 10 and 11 insert the following: "E. Any other provision in these rules to the contrary notwithstanding the Executive Committee may, when performing the duties assigned it in this rule with respect to personnel matters, meet in Executive Session but no committee action shall be taken while in Executive Session."

Delegate Avant moved the adoption of the amendment.

Seconded by Delegate Zervigon.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Roy
Alexander	Ginn	Robinson
Arnette	Gravel	Segura
Asseff	Grier	Slay
Avant	Hardee	Smith
Brien	Juneau	Stagg
Cannon	Kilbourne	Stinson
Carmouche	Landry, E. J.	Stovall
Chatelain	Leigh	Sutherland
Colten	Leithman	Thompson
Conino	Lowe	Tobias
Corne	McDaniel	Triche
Cowen	Martin	Velazquez
De Blieux	Mauberret	Vesich
Dennery	Miller	Vick
Deshotels	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Elkins	Nunez	Wisham
Flory	Ourso	Womack
Fontenot	Perkins	Zervigon
Fulco	Perez	

Total—65.

NAYS

Delegates—

Aertker	Fowler	Rachal
Alario	Giarrusso	Rayburn
Anzalone	Guarisco	Reeves
Badeaux	Guidry	Roemer
Bel	Hayes	Riecke
Bergeron	Haynes	Sandoz
Blair	Jackson, A.	Schmitt
Bollinger	Jackson, J.	Shannon
Brown	Jenkins	Silverberg
Burns	Kean	Singletary
Burson	Kelly	Soniati
Casey	Kilpatrick	Stephenson
Champagne	Lambert	Tapper
Chehardy	Landrum	Tate
Conroy	Landry, A.	Taylor
D'Gerolamo	Lanier	Thistlethwaite
Dennis	LeBleu	Toca
Derbes	LeBreton	Toomy
Drew	Lennox	Uilo
Edwards	O'Neill	Wall
Fayard	Planchard	Warren

Total—63

ABSENT

Delegates—

Mr. Chairman	Hernandez
Armentor	Jack

Total—4.

And the amendment was adopted.

Delegate Rayburn sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and Fayard to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 5, between lines 10 and 11, insert the following: "F. Any delegate may attend any executive session held by the Executive Committee or any other committee."

Delegate Rayburn moved the adoption of the amendment.

Seconded by Delegate DeBlieux.

And the amendment was adopted.

Delegate Gravel sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 5, between the lines 10 and 11 add the following: "G." Perform such additional duties as may be directed or prescribed by the Convention."

Delegate Gravel moved the adoption of the amendment.

Seconded by Delegate Chehardy.

And the amendment was rejected, viva voce.

Delegate Duval moved the adoption of Rule 18, as amended.

Seconded by Delegate Lanier.

And Rule 18, as amended, was adopted, viva voce.

Rule No. 16. Convention Officers. The officers of the Convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer. These officers shall constitute the Executive Committee of the Convention, shall be delegates to the Convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the Convention.

Read.

Delegate Stagg moved the adoption of Rule 16.

Seconded by Delegate Kean.

Delegate Leigh sent up a floor amendment which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Leigh to Committee Resolution No. 1 by Delegate Stagg.

Amend the printed Proposed Rule as follows:

AMENDMENT No. 1—

On page 4, line 13, after the word "officers" and before the word "shall" insert the following:

" , together with a representative from any Congressional District not otherwise represented thereon, to be elected by caucus of the members of the Congressional District involved,"

Delegate Leigh moved the adoption of the amendment.

Delegate Duval seconded the motion.

And the amendment was rejected, viva voce.

Delegate Roemer sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roemer to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, immediately after line 17, insert the following: "The Executive Committee membership shall consist of the officers of the convention, and one member elected from each Congressional District within a caucus of the same to be held subsequent to the adoption of these rules."

AMENDMENT No. 2—

On page 4, at the end of line 13, strike out the word "constitute" and insert in lieu thereof "shall be members of"

Delegate Roemer moved the adoption of the amendments.

Delegate Duval seconded the motion.

And the amendment was rejected, viva voce.

Delegate Juneau moved that the Convention be adjourned until 10:00 a.m., Saturday, January 13, 1973 at the Bellemont Motel.

And Chairman Henry declared the Convention adjourned to Saturday, January 13 at 10:00 a.m.

Prepared in accordance with the transcript and records of the Convention. Resolutions introduced on this day have been numbered by the Secretary in accordance with the order of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

THIRD DAY'S PROCEEDINGS

**of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature**

Saturday, January 13, 1973, Baton Rouge, La.

The Convention was called to order at 10:00 o'clock A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Planchard
Abraham	Fulco	Rachal
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Alexander	Ginn	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Guidry	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Hernandez	Shannon
Blair	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniati
Burson	Kelly	Stagg
Cannon	Kilbourne	Stephenson
Carmouche	Kilpatrick	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Colten	Lanier	Taylor
Conino	LeBleu	Thistlethwaite
Conroy	LeBreton	Thompson
Corne	Leigh	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lennox	Toomy
De Blieux	Lowe	Triche
Dennery	McDaniel	Ullo
Dennis	Martin	Velazquez
Derbes	Mauberret	Vesich
Deshotels	Miller	Vick
Drew	Mire	Wall
Dunlap	Munson	Warren
Duval	Newton	Weiss
Edwards	Nunez	Willis
Elkins	O'Neill	Winchester
Fayard	Ourso	Wisham
Flory	Perez	Womack
Fontenot	Perkins	Zervigon
Total—129.		

ABSENT

Delegates—		
Armortor	Guarisco	Jack
Total—3.		

The Chairman announced that there were 129 members present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Duval led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Leithman, the reading of the Journal was dispensed with.

The Convention then returned to the business in which it was engaged at the time of adjournment on yesterday.

And the Chair declared that the Convention had under consideration at the time of adjournment Rule No. 16 of Committee Resolution No. 1, by Delegate Stagg on behalf of the Temporary Committee on Rules.

Rule No. 16. Convention Officers. The officers of the Convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer. These officers shall constitute the Executive Committee of the Convention, shall be delegates to the Convention, and shall each be elected in separate elections by a majority vote of all of the delegates of the Convention.

Read.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 13, immediately after the period "." strike out the remainder of the line in its entirety

AMENDMENT No. 2—

On page 4, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following:

"There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Executive Committee shall elect from its membership a Chairman and such other officers as it deems necessary. The Executive Committee shall have such duties as are prescribed by law or hereinafter set forth in these Rules."

On motion of Delegate Roy, the amendments were withdrawn.

Delegate Roy sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy on Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 13, immediately after the period "." strike out the remainder of the line in its entirety

AMENDMENT No. 2—

On page 4, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following:

"There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Chairman of the Convention shall serve as Chairman of the Executive Committee. The Execu-

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tive Committee shall have such duties as are prescribed by law or hereinafter set forth in these Rules."

On motion of Delegate Roy the amendments were withdrawn.

Delegate Roy sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 13, immediately after the period "." strike out the remainder of the line in its entirety.

AMENDMENT No. 2—

On page 4, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following:

"There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Chairman of the Convention shall serve as Chairman of the Executive Committee. No member of the Executive Committee, other than the Chairman of the Convention shall serve on the Committee on Committees nor shall the Executive Committee serve as the Committee on Committees. The officers of the Convention shall be delegates to the Convention and shall each be elected in separate elections by a majority vote of all the delegates of the Convention."

Delegate Roy moved the adoption of the amendment.

Seconded by Delegate Bollinger.

A roll call vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennis	Lambert
Abraham	Derbes	Landrum
Aertker	Deshotels	Landry, A.
Alario	Drew	Landry, E. J.
Alexander	Dunlap	Lanier
Anzalone	Duval	LeBleu
Arnette	Edwards	LeBreton
Asseff	Elkins	Leigh
Avant	Fayard	Leithman
Badeaux	Flory	Lowe
Bel	Fontenot	McDaniel
Bergeron	Fowler	Martin
Blair	Fulco	Mauberret
Bollinger	Gauthier	Miller
Brien	Giarrusso	Mire
Brown	Ginn	Munson
Burns	Gravel	Newton
Burson	Grier	Nunez
Cannon	Guidry	O'Neill
Carmouche	Hardee	Ourso
Casey	Hayes	Perez
Champagne	Haynes	Perkins
Chatelain	Hernandez	Planchard
Chehardy	Jackson, A.	Rachal
Colten	Jackson, J.	Rayburn
Conino	Jenkins	Reeves
Conroy	Juneau	Riecke
Corne	Kean	Robinson
Cowen	Kelly	Roemer
D'Gerolamo	Kilbourne	Roy
Dennery	Kilpatrick	Sandoz

Schmitt	Sutherland	Velazquez
Segura	Tapper	Vesich
Shannon	Taylor	Vick
Silverberg	Thistlethwaite	Wall
Singleton	Thompson	Warren
Slay	Tobias	Willis
Soniat	Toca	Winchester
Stephenson	Toomy	Wisham
Stinson	Triche	Zervigon
Stovall	Ullo	
Total—122.		

NAYS

Delegates—		
De Blieux	Stagg	Womack
Lennox	Tate	
Smith	Weiss	
Total—7.		

ABSENT

Delegates—		
Armentor	Guarisco	Jack
Total—3.		

And the amendments were adopted.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, in Convention Floor Amendment No. 2, proposed by Delegate Roy and adopted by the Convention on January 13, 1973, in the sentence "The officers of the Convention shall be elected in separate elections by a majority vote of all the delegates of the Convention." strike out the words "in separate elections" and after such sentence add the following:

"The Chairman, First Vice-Chairman, Secretary and Treasurer shall be elected in separate elections from separate divisions designated alphabetically. The three Vice-Chairmen shall be elected together in a single election. No delegate shall be nominated for more than one such vice-chairmanship. Election shall be by majority vote of those present and voting with each delegate entitled to vote for three nominees. In the event one or more vice-chairmen are not elected on the first ballot, the Chairman shall cause such additional run-off elections to be conducted as are necessary until three delegates have received, respectively, a majority of the votes cast. In any such run-off election, the two candidates, not elected, receiving the highest number of votes for each remaining unfilled seat, shall be placed in the run-off election. All such elections shall be by open paper ballot or by delegate roll call, in the discretion of the Chairman."

On motion of Delegate Roy the amendment was withdrawn.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, in Convention Floor Amendment No. 2, proposed by Delegate Roy and adopted by the Convention on January 13, 1973, in the sentence "The officers of the Convention shall be elected in separate elections by a majority vote of all the delegates of the Convention." strike out the words "in separate elections" and after such sentence add the following:

"The Chairman, First Vice-Chairman, Secretary and Treasurer shall be elected in separate elections. Thereafter three Vice-Chairmen shall be elected together in a single election from separate divisions designated alphabetically and each candidate shall declare for which division he or she is a candidate. No delegate shall be nominated for more than

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one such vice-chairmanship. Election shall be by majority vote of those present and voting with each delegate entitled to vote for three nominees. In the event one or more vice-chairmen are not elected on the first ballot, the Chairman shall cause such additional run-off elections to be conducted as are necessary until three delegates have received, respectively, a majority of the votes cast. In any such run-off election, the two candidates, not elected, receiving the highest number of votes for each remaining unfilled seat, shall be placed in the run-off election. All such elections shall be by open paper ballot or by delegate roll call, in the discretion of the Chairman."

Delegate Roy moved the adoption of the amendment.

Seconded by Delegate Taylor.

And the amendment was rejected, viva voce.

Recess

On motion of Delegate Weiss the Convention was recessed until 1:30 o'clock, P.M.

After Recess

The Convention was called to order by Chairman Henry at 1:30 o'clock, P.M.

Delegate Duval suggested the absence of a quorum.

ROLL CALL

The roll being called the following Delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Rachal
Abraham	Fulco	Rayburn
Aertker	Gauthier	Reeves
Alario	Giarrusso	Riecke
Alexander	Ginn	Robinson
Anzalone	Gravel	Roemer
Arnette	Grier	Roy
Asseff	Hardee	Sandoz
Avant	Hayes	Schmitt
Badeaux	Haynes	Segura
Bel	Hernandez	Shannon
Bergeron	Jackson, A.	Silverberg
Blair	Jackson, J.	Singletary
Bollinger	Jenkins	Slay
Brien	Juneau	Smith
Brown	Kean	Soniat
Burns	Kelly	Stagg
Burson	Kilbourne	Stephenson
Carmouche	Kilpatrick	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Colten	Lanier	Taylor
Conino	LeBleu	Thistlethwaite
Conroy	LeBreton	Thompson
Corne	Leigh	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lennox	Toomy
De Blieux	Lowe	Triche
Dennery	McDaniel	Ullo
Dennis	Martin	Velazquez
Derbes	Mauberret	Vesich
Deshotels	Miller	Vick
Drew	Munson	Wall
Dunlap	Newton	Warren
Duval	Nunez	Weiss
Edwards	O'Neill	Willis
Elkins	Ourso	Winchester
Fayard	Perez	Wisham
Flory	Perkins	Womack
Fontenot	Planchard	Zervigon
Total—126.		

ABSENT

Delegates—		
Armentor	Guarisco	Jack
Cannon	Guidry	Mire
Total—6.		

The Chairman announced that there were 126 members present and a quorum and that the Convention had before it Rule No. 16 of Committee Resolution No. 1.

Delegate Kean sent up a floor amendment which was read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Kean to Committee Resolution No. 7 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 4, immediately following the portion of the sentence "... nor shall the Executive Committee serve as the Committee on Committees" added by Convention Floor Amendment No. 2, proposed by Delegate Roy and adopted by the Convention on January 13, 1973, insert the following:

"The Executive Committee may divide itself into sub-committees and assign to any such sub-committees any duty or duties of the Executive Committee."

Delegate Kean moved the adoption of the amendment.

Seconded by Delegate Stagg.

Upon a division of the Convention, the amendment was rejected by a vote of 54 yeas and 63 nays.

Delegate Stagg moved the adoption of Rule No. 16, as amended.

Delegate Wisham seconded the motion.

And the Rule No. 16 was adopted, as amended, viva voce.

Rule No. 17. Convention Employees.

A. A Chief Clerk and a Sergeant-at-Arms shall be employed by the Chairman of the Convention subject to the approval of a majority vote of the entire Convention; they shall not be delegates to the Convention.

B. All other employees, necessary to aid the Convention, shall be employed by the Executive Committee of the Convention in accordance with Act 2 of the 1972 Regular Session. Read.

Delegate Stagg moved the adoption of Rule 17.

Seconded by Delegate Reeves.

And the rule was adopted, viva voce.

Rule No. 19. Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such, Chairman of the Executive Committee. He shall:

A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;

B. Preserve order and decorum;

C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;

D. Confine delegates in debate to the question, prevent personal reflections, and determine the order of recognition when two or more delegates rise at the same time;

E. Designate the First Vice-Chairman to preside in his absence and establish the order of the Vice-Chairmen to preside in the absence of both the Chairman and the First Vice-Chairman;

F. Name a delegate to preside as chairman on each occasion when the Convention sits as a Committee of the Whole;

G. Assign, with the assistance of the Executive Committee, the delegates to their seats, according to congressional districts;

H. At the request of at least twenty-seven delegates, a recorded yeas and nays vote shall be ordered by the Chairman;

I. Sign all official documents of the Convention, attested by the Secretary;

J. Make corrections of the official journal of the Convention, if necessary, attested by the Secretary with notification of any substantive changes being made to the Convention at large;

K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention;

L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;

M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;

N. Sign all warrants and/or checks;

O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;

P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

Read.

Delegate Stagg moved the adoption of Rule 19.

Delegate Thompson seconded the motion.

Delegate Casey sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolutions as follows:

AMENDMENT No. 1—

On page 5, line 30, after the word "seats" delete the comma "," and in lieu thereof insert a ";" and delete the remainder of line 30.

AMENDMENT No. 2—

On page 5, delete all of line 31.

Delegate Casey moved the adoption of the amendments.

Seconded by Delegate LeBreton.

And the amendment was adopted, viva voce.

Delegate Dennery sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Resolution No. 1 by Delegate Stagg.

Amend the printed Rules as follows:

AMENDMENT No. 1—

On page 6, line 13 delete the words "and/or checks"

AMENDMENT No. 2—

On page 8, delete line 10 in its entirety.

AMENDMENT No. 3—

On page 9, between lines 1 and 2, add the following Rule 25(1) to read as follows:

"Rule No. 25(1). All checks shall be signed by the Chairman or the first vice-chairman and by the treasurer or the chief clerk."

Delegate Dennery moved the adoption of the amendments.

Seconded by Delegate Toca.

And the amendments were adopted.

Delegate Stagg moved the adoption of Rule 19, as amended.

Delegate Kean seconded the motion.

And the Rule was adopted, as amended.

Rule No. 20. Duties. The First Vice-Chairman shall serve as First Vice-Chairman of the Convention, and as such, shall:

A. Preside as acting Convention chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve;

B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman;

C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Delegate Stagg moved the adoption of Rule 20.

Delegate Miller seconded the motion.

Delegate De Blieux sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Resolution No. 1.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 6, line 30, after the word "vote" and before the word "and" insert the word "therein".

AMENDMENT No. 2—

On page 6, line 31, after the word "quorum" and before the period, "," insert the word "thereof".

Delegate De Blieux moved the adoption of the amendments.

Delegate Schmitt seconded the motion.

And the amendment was adopted.

Delegate Stagg moved the adoption of Rule 20 as amended.

Seconded by Delegate De Blieux.

And the Rule was adopted.

Rule No. 21. Vice-Chairmen. The Vice-Chairmen shall:

A. Preside in the absence of the Chairman and the First Vice-Chairman in the order established by the Chairman as provided in Rule No. 19E;

B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman.

C. The Chairman shall designate Vice-Chairmen to serve ex officio on each of the three remaining procedural committees. No Vice-Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

Read.

Delegate Stagg moved the adoption of Rule No. 21.

Seconded by Delegate Kean.

Delegate Stagg sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg:

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 6, between lines 31 & 32 insert:
"Vice-Chairmen"

AMENDMENT No. 2—

On page 6, line 32, strike out "Vice-Chairmen" and insert "Duties"

AMENDMENT No. 3—

On page 7, insert the word "thereof" after the word quorum

Delegate Stagg moved adoption of the amendment.

Seconded by Delegate Tapper.

And the amendment was adopted.

Delegate Stagg moved the adoption of Rule No. 21 as amended.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 22. Duties. The Secretary shall:

A. Exercise responsibility for the accuracy of the Convention Journal of Proceedings, and the daily publication and distribution of the Journal;

B. Keep a verbatim written record and a sound recording of all proceedings of the Convention and of the Committee of the Whole;

C. Prepare a daily calendar of business and notices of schedules of all committee meetings;

D. Receive, reproduce, number, and distribute all resolutions, delegate and committee proposals;

E. Read to the Convention all proposals, resolutions, petitions, memorials and communications;

F. Exercise responsibility for roll calls of the delegates;

G. Attest where necessary all official documents of the Convention;

H. Preserve and safeguard all original copies of official documents and be responsible for the preservation of all proceedings of the Convention and its committees, and see that all records are properly preserved in archives of the state;

I. Serve as a member of the Executive Committee;

J. Perform such other duties as may be designated by the Chairman or the Executive Committee.

Read.

Delegate Stag moved the adoption of Rule 22.

Seconded by Delegate Kean.

Delegate LeBreton sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate LeBreton to Committee Resolution No. 1 by Delegate Stag:

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 7, line 13, delete the words "a verbatim written record and"

Delegate LeBreton moved the adoption of the amendment.

Which motion was seconded from the floor.

And the amendment was rejected, viva voce.

Delegate Juneau sent up a floor amendment which was read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Juneau to Committee Resolution No. 1 by Delegate Stag:

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 7, line 14, delete the word "proceedings" and insert in lieu thereof the word "sessions"

Delegate Juneau moved the adoption of the amendment.

Delegate LeBreton seconded the motion.

And the amendment was adopted.

Delegate LeBreton sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate LeBreton to Committee Resolution No. 1 by Delegate Stag:

Amend the original Resolution as follows:

AMENDMENT No. 1—

On Page 7, line 13, after the word "a" and before the word "written" delete the word "verbatim".

Delegate LeBreton moved the adoption of the amendment.

Delegate Blair seconded the motion.

And the amendment was rejected, viva voce.

Delegate Stag moved the adoption of the Rule No. 22 as amended.

Delegate Velazquez seconded the motion.

And the rule as amended was adopted.

Rule No. 23. Delegation of Secretary's Duties to Chief Clerk. Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the Secretary may delegate his duties to the Chief Clerk, subject to supervision by the Secretary.

Read.

Delegate Stag moved the adoption of Rule No. 23.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 24. Duties. The Treasurer shall:

A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention;

B. Co-sign, with the Convention Chairman, all warrants and/or checks;

C. Serve as custodian of all Convention financial records;

D. Assist in the preparation of the Convention's budget;

E. File quarterly audits and the final audit of financial records with the State Treasurer, Clerk of the House of Representatives and the Secretary of the Senate;

F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention;

G. Serve as a member of the Executive Committee, and carry out such other duties as may be assigned by the Chairman.

Read.

Delegate Stag moved the adoption of Rule No. 24.

Seconded by Delegate Alario.

And the Rule was adopted.

Rule No. 25. Duties. The Chief Clerk:

A. Shall not be a delegate to the Convention;

B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rule No. 22, he shall do so under the supervision of the Secretary;

C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body;

D. Shall serve as Parliamentarian of the Convention and shall be advisor and counsel to the Chairman and committee chairman on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of, and shall be made by the Chairman.

Read.

Delegate Stag moved the adoption of Rule No. 25.

Seconded by Delegate Velazquez.

Delegate Stag sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stag to Committee Resolution No. 1 by Delegate Stag, et al.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 8, line 34, change "chairman" to "chairmen"

On motion of Delegate Stag, and seconded by Delegate Velazquez, the amendment was adopted.

Delegate Stag sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg, et al.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 9, line 1, after "Chairman" insert:
"or committee chairmen in committee."

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Kean.

And the amendment was adopted.

Delegate Stagg moved the adoption of the Rule, as amended.

Seconded by Delegate Kean.

And the Rule, as amended was adopted.

Rule No. 26. Duties. The Sergeant-at-Arms shall:

A. Attend the Convention during its sitting, to execute commands as directed to him by the chairman, including signing for and delivery of correspondence addressed to delegates;

B. Maintain order in the Convention Hall and execute Rules of the Convention concerning admission to the floor;

C. Maintain order at committee hearings and assist committee chairmen in their duties.

D. Exercise supervisory control over his assistants, subject to direction of the chairman.

Read.

Delegate Stagg moved adoption of Rule 26.

Seconded by Delegate Arnette.

And the Rule was adopted.

Delegate Stagg sent up amendments which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 9, between lines 12 and 13, insert the following:
Rule 26.1 Vacancies

If a vacancy occurs in the office of Chairman, the first Vice-Chairman shall temporarily preside until the Convention elects a Chairman to fill the office in the same manner in which the officer was first elected.

If a vacancy occurs in the office of any of the Vice Chairmen or in the office of the Secretary or Treasurer, the Chairman shall appoint a delegate to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Kean.

And the amendment was adopted.

Read.

Delegate Stagg moved the adoption of Rule 26.1.

Seconded by Delegate Toca.

And the Rule was adopted.

Rule No. 27. Delegates Oath. No delegate shall be qualified to serve unless and until he has taken the prescribed oath.

Read.

Delegate Stagg moved the adoption of Rule No. 27.

Seconded by Delegate Kean.

Delegate Stagg sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 9, line 17, change "oath" to "oaths"

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Kean.

And the amendment was adopted.

Delegate Stagg moved the adoption of the Rule, as amended.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 28. Recognition in Debate. When any delegate desires to speak in debate or present any matter to the Convention, he shall rise and address himself to the chair. He shall not speak until recognized, and when recognized, he shall confine himself to the question under debate.

Read.

Delegate Stagg moved the adoption of Rule No. 28.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 29. Transgression of Rules. If any delegate in speaking or otherwise, transgresses the rules of the Convention, the chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the chairman or the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 29.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 30. Limits on Debate. Delegates shall not speak more than once to the same question, nor more than fifteen minutes, without leave of the Convention, unless the delegate is the mover, proposer or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered. When the previous question has been ordered, the mover, proposer or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of fifteen minutes.

Read.

Delegate Stagg moved the adoption of Rule No. 30.

Seconded by Delegate Riecke.

And the Rule was adopted.

Motion

Delegate Kean moved that Rule No. 30, just adopted, be applied during the remainder of the consideration of Committee Resolution No. 1.

The motion was seconded by Delegate Chatelain.

And the motion carried.

Rule No. 31. Prohibited Behavior. No delegate shall walk off of the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

Read.

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Delegate Stagg moved the adoption of Rule No. 31.

Seconded by Delegate Riecke.

And the Rule was adopted.

Rule No. 32. Questions of Order. Every question of order shall be decided by the chairman, without debate, subject to an appeal. The chairman may call for the sense of the Convention on any question of order, but when an appeal has been taken from the decision of the chair, any subsequent question of order which may arise from the decision of such appeal by the Convention shall be decided by the chairman without debate, and all appeals therefrom shall also be decided by the Convention without debate. Appeals from any ruling of the chairman shall be affirmatively put, and to overrule the chairman, shall require the same vote required to suspend the rules. (See Rule No. 85.)

Read.

Delegate Stagg moved the adoption of Rule 32.

Seconded by Delegate Brien.

And the Rule was adopted.

Rule No. 33. Answering Roll Calls. Every delegate must be at his desk when a roll call is being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

Read.

Delegate Stagg moved the adoption of Rule No. 33.

Seconded by Delegate O'Neill.

And the Rule was adopted.

Rule No. 34. Absence from Daily Session. A delegate may be excused from attendance at daily sessions only with leave from the chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

Read.

Delegate Stagg moved the adoption of Rule No. 34.

Seconded by Delegate Shannon.

And the Rule was adopted.

Rules No. 35. Vacancies. By a vote of at least two-thirds of the delegates to the Convention, the seat of a delegate may be declared vacant by the Convention if the delegate has been absent for at least fifteen unexcused, consecutive, opening roll calls. In the event of the death of, or written resignation by a delegate, the seat may be immediately declared vacant by the Chairman. The Chairman shall notify the Governor of any vacancy.

Read.

Delegate Stagg moved the adoption of Rule No. 35.

Seconded by Delegate Velazquez.

Motion

Delegate Blair moved to defer action of Rule No. 35.

Seconded by Delegate Tapper.

And the motion was rejected.

The vote then recurred on Delegate Stagg's motion that Rule No. 35 be adopted.

And the Rule was adopted.

Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote or to answer any roll call or quorum call.

Read.

Mr. Stagg moved the adoption of Rule No. 36.

Mr. Munson seconded the motion.

And the Rule was adopted.

Rule No. 37. Proposal. Any original suggestion, proposition, or draft intended to become a part of the Constitution shall be referred to as a proposal. A proposal introduced by a delegate shall be designated as a delegate proposal, and a proposal submitted by a committee shall be designated as a committee proposal. An amendment shall be designated as an amendment.

Read.

Delegate Stagg moved the adoption of Rule No. 37.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 38. Resolutions. All matters of general convention business, other than proposals intended to become a part of the Constitution, shall be proposed through the instrument of a resolution, which instrument shall be so designated and may be introduced at any time.

A resolution introduced by a delegate shall be designated as a delegate resolution, and a resolution submitted by a committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of readings, committee referral and adoption as proposals. Resolutions shall contain a short title which shall be reflective of its purpose and substance, and shall comply with the form requirements of Rule No. 41.

Read.

Delegate Stagg moved the adoption of Rule No. 38.

Seconded by Delegate Wisham.

And the Rule was adopted.

Rule No. 39. Introduction. A proposal may be introduced by a delegate or delegates or by a committee on behalf of a majority of its membership.

Read.

Delegate Stagg moved the adoption of Rule No. 39.

Seconded by Delegate Ourso.

And the Rule was adopted.

Rule No. 40. Introduction of Committee Proposals.

Committee proposals prepared and approved by the several committees of the Convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee.

Read.

Delegate Stagg moved the adoption of Rule No. 40.

Seconded by Delegate Velazquez.

Delegte Zervigon sent up floor a amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 12, at the end of line 3, add the following:

"These proposals as far as completed shall be mailed to all convention delegates on or before June 22, 1973."

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate De Blieux.

And the amendment was adopted.

Delegate Nunez in the Chair

Delegate Flory sent up a floor amendment which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 12, line 3, after the word "degree" and before the "." insert:
"and shall bear the signatures of a majority of the members of the committee."

Delegate Flory moved the adoption of the amendment.

Seconded by Delegate Thompson.

And the amendment was adopted.

Delegate Stagg moved the adoption of the Rule 40 as amended.

Seconded by Delegate Womack.

And the Rule, as amended, was adopted.

Chairman Henry in the Chair

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8-1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:
Constitutional Convention of Louisiana of 1973

----- PROPOSAL -----
(Committee of Delegate (Number)
Introduced by

(Name of Delegate or Committee Chairman)

Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

Read.

Delegate Stagg moved the adoption of Rule No. 41.

Seconded by Delegate Rayburn.

And the Rule was adopted.

Adjournment

The Chair then agreed to allow those delegates who wished to do so to present motions for adjournment so that the desires of the Convention on the matter of adjournment be made known.

Motions

Delegate Rayburn moved that the Convention do now adjourn until Monday, January 15, at 10:00 o'clock, A.M.

Seconded by Delegate Drew.

Delegate Brown moved the Convention do now adjourn until Tuesday, January 16, at 12:00 noon.

Seconded by Delegate Lennox.

Delegate Brown withdrew his motion.

Delegate De Blieux moved that the Convention do now adjourn until Tuesday, January 16, at 1:30 o'clock, p.m.

Seconded by Delegate Brown.

Delegate Weiss moved that the Convention do now adjourn until Sunday, January 14 at 10:00 o'clock, a.m.

Seconded by Delegate Abraham.

Delegate Asseff moved that the Convention do now adjourn until Monday, January 16 at 7:00 o'clock, p.m.

Seconded by Delegate Tapper.

Delegate Shannon moved that the Convention do now adjourn until Tuesday, January 16, at 12:45 o'clock, p.m.

Seconded by Delegate A. Jackson.

Motion

Delegate LeBreton moved the previous question on the entire subject matter and the question was called without objection.

The Chair announced that the vote would then recur on the motions beginning with that motion which stated the longest period of adjournment and thus back to the shortest period.

The vote then recurred on Delegate De Blieux's motion to adjourn until Tuesday, January 16, at 1:30 o'clock p.m., which motion was adopted.

And the Chair declared the Convention adjourned until Tuesday, January 16, at 1:30 o'clock, p.m. at which time it would reconvene in Independence Hall in Baton Rouge, Louisiana.

Prepared in accordance with the transcripts and records of the Convention.

MOISE W. DENNERY,
Secretary.

DAVID R. POYNTER,
Chief Clerk.

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, January 16, 1973, Baton Rouge, La.

The Convention was called to order at 1:30 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fowler	Perkins
Aertker	Fulco	Planchard
Alario	Gauthier	Rachal
Alexander	Giarrusso	Rayburn
Anzalone	Ginn	Reeves
Arnette	Gravel	Riecke
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Guidry	Roy
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Blair	Haynes	Shannon
Bollinger	Hernandez	Silverberg
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Colten	Landry, A.	Tate
Conino	Landry, E. J.	Taylor
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennery	Lowe	Ulio
Dennis	McDaniel	Velazquez
Derbes	Martin	Vesich
Deshotels	Mauberret	Vick
Drew	Miller	Warren
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Ourso	Zervigon
Total—126.		

ABSENT

Delegates—		
Armentor	Leigh	Thompson
Jack	Sandoz	Wall
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Cannon led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Toomy, the reading of the Journal
was dispensed with.

The Chair announced that the Convention had under con-
sideration that matter pending at the time of adjournment,
which was Committee Resolution No. 1 by Delegate Stagg on
behalf of the temporary Committee on Rules.

Rule No. 42. Deadline on Proposals. No proposals may
be introduced by delegates after the first sixty days fol-
lowing July 5, 1973; committee proposals, however, may be
introduced at any time, provided rules governing procedures
for adoption are followed. Amendments to proposals may be
offered any time.

Read.

Delegate Stagg moved the adoption of Rule No. 42.

Seconded by Delegate Velazquez.

Delegate Avant sent up the floor amendments which were
read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee
Resolution No. 1 by Delegate Stagg et al.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On Page 12, line 29, following the word "delegates" insert

AMENDMENT No. 2—

On page 12, line 30, delete the semicolon (;) and in lieu
thereof insert a period (.) and delete the remainder of line
30.

AMENDMENT No. 3—

On page 12 delete line 31.

AMENDMENT No. 4—

On page 12, line 32, delete the language "for adoption are
followed."

Delegate Avant moved the adoption of the amendments.

Seconded by Delegate Roy.

And the amendments were adopted upon a division of the
Convention by a vote of 60 yeas and 50 nays.

Delegate Stagg moved the adoption of Rule No. 42, as
amended.

Seconded by Delegate Ginn.

And the Rule, as amended, was adopted.

Rule No. 43. Printing. Each proposal introduced shall be
immediately printed and distributed to the delegates and
shall be available to the general public and other interested
parties. No final action may be taken on any proposals until
printed copies have been distributed to the delegates for at
least forty-eight hours.

Read.

Delegate Stagg moved the adoption of Rule No. 43.

Seconded by Delegate Badeaux.

And the Rule was adopted.

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Rule No. 44. Order of Processing. The order of Convention procedure in processing each proposal shall be as follows:

A. Introduction, which shall constitute the first reading.
B. Committee referrals: Committee proposals shall be referred to the Committee offering the proposal. Delegate proposals shall be referred by the Chairman of the Convention to the appropriate committee based on the subject matter of the proposal. The Chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the Committee designated by the Chairman; if objection is raised, the referral shall be made by the Convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

C. Committee reports.

D. Consideration of and voting on the substantive committee report by delegates in general assembly.

E. If recommitted, reconsideration by substantive committee or committee of the whole.

F. Reference to committee on style and drafting.

G. Engrossment, which shall complete the second reading.

H. Third reading and final passage.

I. Enrollment.

J. Referral to Committee on Style and Drafting.

K. Convention approval of final styling.

L. Final enrollment.

Each of the three required readings shall occur on three different days.

Read.

Delegate Stagg moved the adoption of Rule No. 44.

Seconded by Delegate Brien.

Delegate Stagg sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 13, line 26, change "committee on style and drafting" to "Committee on Style and Drafting"

AMENDMENT No. 2—

On page 13, lines 14 and 17, change "Chairman" to "chairman"

Delegate Stagg moved the adoption of the amendments.

Seconded by Delegate Brien.

And the amendments were adopted.

Delegate Stagg moved the adoption of Rule No. 44, as amended.

Seconded by Delegate Brien.

And the Rule, as amended, was adopted.

Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Read.

Delegate Stagg moved the adoption of Rule No. 45.

Seconded by Delegate Silverberg.

And the Rule was adopted.

Rule No. 46. Amendments. Amendments shall be submit-

ed in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Read.

Delegate Stagg moved the adoption of Rule No. 46.

Seconded by Delegate Leithman.

And the Rule was adopted.

Rule No. 47. Styling and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, to the end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 47.

Seconded by Delegate Shannon.

And the Rule was adopted.

Rule No. 48. Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

Read.

Delegate Stagg moved the adoption of Rule No. 48.

Seconded by Delegate Riecke.

And the Rule was adopted.

Rule No. 49. Substantive Committees.

The following substantive committees are hereby created:

1. Committee on Bill of Rights and Elections, which shall consider the Preamble, Bill of Rights, Human Rights, Obligations of Citizenship, distribution of powers, suffrage and elections, the amendment process, and future constitutional conventions;

2. Committee on Executive Department, which shall consider the offices comprising the executive department, reorganization, term of the Governor and other elected officials, and impeachment;

3. Committee on Legislative Powers and Functions, which shall consider the Legislative Department, apportionment, qualifications, regular and special sessions;

4. Committee on Judiciary, which shall consider the judiciary, tenure and selection of judges, the Department of Justice, district attorneys, sheriffs, clerks of court and coroners;

5. Committee on Local and Parochial Government, which shall consider local and parochial government, home rule, special districts, consolidation of governments and intergovernmental cooperation;

6. Committee on Revenue, Finance and Taxation, which shall consider revenue, finance, taxation, assessors and assessment, exemptions, state debts and management of state funds;

7. Committee on Education and Welfare, which shall consider public education, Board of Regents for Higher Education, welfare, consumer affairs, civil service, labor and industry; and

8. Committee on Natural Resources and Environment, which shall consider public lands, minerals, water resources, wildlife, environmental concerns, recreation and agriculture.

Other provisions that may not be covered by the areas of responsibility shown above may be assigned by the Coordinating Committee to the appropriate substantive committee.

Read.

Delegate Stagg moved the adoption of Rule No. 49.

Seconded by Delegate A. Landry.

Delegate Silverberg sent up a floor amendment which was read as follows:

PAGE 3

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FLOOR AMENDMENT

Amendment proposed by Delegate Silverberg to Committee Resolution No. 1 by Delegate Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, lines 15 and 16, delete the words "Board of Regents for Higher Education,"

Delegate Silverberg moved the adoption of the amendment.

Seconded by Delegate Tobias.

And the amendment was adopted.

Delegate Dennery sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 14, strike out lines 30 through 33 in their entirety and insert in lieu thereof the following:

"2. Committee on Executive Department, which shall consider the offices comprising the executive department reorganization, state civil service, term of the Governor and other elected officials of the executive department, and impeachment;"

AMENDMENT No. 2—

On page 15, strike out lines 6 through 9 in their entirety and insert in lieu thereof the following:

"5. Committee on Local and Parochial Government, which shall consider local and parochial government, home rule, special districts, consolidation of governments, intergovernmental cooperation and parochial and municipal civil service."

AMENDMENT No. 3—

On page 15, line 16, strike out the words "civil service"

Delegate Dennery moved the adoption of the amendments.

Seconded by Delegate Roy.

And the amendments were rejected.

Delegate Guarisco sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 14, line 27, immediately following "powers," insert the following:
"concept and principles of government,"

Delegate Guarisco moved the adoption of the amendment.

Seconded by Delegate Winchester.

And the amendments were rejected.

Delegate Dennery sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Resolution No. 1 by Delegate Staggs.

Amend the Printed Rule as follows:

AMENDMENT No. 1—

On page 15, delete lines 2 thru 5 and insert in lieu the following:

"4. Committee on Judiciary, which shall consider the judiciary, tenure, selection and removal of judges, the Department of Justice, district attorneys, sheriffs, constables, clerks of court, parish recorders, parish registrars and coronors;"

Delegate Dennery moved the adoption of the amendment.

Seconded by Delegate Colten.

And the amendment was rejected.

Delegate Leithman sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leithman to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 15, strike out lines 14 through 17 in their entirety and insert in lieu thereof the following:

"7. Committee on Education, which shall consider all facets of education in the state; and

7 a. Committee on Welfare, which shall consider health and welfare, consumer affairs, civil service, labor and industry; and"

Delegate Leithman moved the adoption of the amendment.

Seconded by Delegate Silverberg.

And the amendment was rejected.

Delegate Tapper sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tapper to Committee Resolution No. 1 by Delegate Staggs.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 14, at the end of line 29, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 2—

On page 14, at the end of line 33, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 3—

On page 15, at the end of line 1, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 4—

On page 15, at the end of line 5, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 5—

On page 15, at the end of line 9, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 6—

On page 15, at the end of line 13, delete the semicolon ";", and add the following:
", and any other subject deemed appropriate by said committee;"

AMENDMENT No. 7—

On page 15, at the end of line 17, delete the semicolon ";", and add the following:
", and other subject deemed appropriate by said committee;"

AMENDMENT No. 8—

On page 15, at the end of line 23, delete the period "." and add the following:
", and any other subject deemed appropriate by said committee."

Delegate Tapper moved the adoption of the amendments.

Seconded by Delegate Nunez.

And the amendments were rejected.

Delegate Schmitt sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 14, line 26, immediately after the word "consider" and before the word "the" insert the following: "all areas affecting the Bill of Rights and elections, and shall consider, but is not limited to the following specific areas:"

Delegate Schmitt moved the adoption of the amendment.

Seconded by Delegate Jenkins.

And the amendment was rejected.

Delegate Kilbourne sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kilbourne to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 4, immediately after "clerks of court" insert the following: "and justices of the peace"

Delegate Kilbourne moved the adoption of the amendment.

Seconded by Delegate Silverberg.

And the amendment was rejected.

Delegate Fayard sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fayard to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 15, immediately after the word "consider" and before the word "education" delete the word "public"

Delegate Fayard moved the adoption of the amendment.

Seconded by Delegate DeBlieux.

And the amendment was rejected.

Delegate Lennox sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Lennox to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 16, after the comma delete the word "labor" and on Page 15, line 17, delete the words "and industry"

AMENDMENT No. 2—

On Page 14, line 29, delete the semi-colon and add the following "and industry;"

Delegate Lennox moved the adoption of the amendments.

Seconded by Delegate Bollinger.

And the amendments were rejected.

Delegate Sutherland sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sutherland to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, between lines 20 and 21 insert the following language:

"Notwithstanding the above, the committees may consider any related matters without limitation."

Delegate Sutherland moved the adoption of the amendment.

Seconded by Delegate Tapper.

And the amendment was rejected.

Delegate Nunez sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 22, immediately after the words "may be" strike out the word "assigned" and insert in lieu thereof "recommended for consideration"

Delegate Nunez moved the adoption of the amendment.

Seconded by Delegate Bel.

And the amendment was rejected.

Delegate Tapper sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tapper to Committee Resolution No. 1 by Delegate Stag.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 14, at the end of line 29, delete the semicolon "and add the following:

", and any other subject deemed appropriate by said committee under the title above."

AMENDMENT No. 2—

On page 14, at the end of line 33, delete the semicolon "and add the following:

", and any other subject deemed appropriate by said committee under the title above."

AMENDMENT No. 3—

On page 15, at the end of line 1, delete the semicolon "and add the following:

", and any other subject deemed appropriate by said committee under the title above."

AMENDMENT No. 4—

On page 15, at the end of line 5, delete the semicolon "and add the following:

", and any other subject deemed appropriate by said committee under the title above."

AMENDMENT No. 5—

On page 15, at the end of line 9, delete the semicolon "and add the following:

", and any other subject deemed appropriate by said committee under the title above."

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AMENDMENT No. 6—

On page 15, at the end of line 13, delete the semicolon “,” and add the following:
“, and any other subject deemed appropriate by said committee under the title above.”

AMENDMENT No. 7—

On page 15, at the end of line 17, delete the semicolon “,” and add the following:
“,” and any other subject deemed appropriate by said committee under the title above.”

AMENDMENT No. 8—

On page 15, at the end of line 23, delete the period “.” and add the following:
“, and any other subject deemed appropriate by said committee under the title above.”

Delegate Tapper moved the adoption of the amendments

Seconded by Delegate De Blieux.

And the amendments were rejected.

Delegate Staggs sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Staggs to Committee Resolution No. 1 by Mr. Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 14, at the beginning of line 24, immediately before “The” insert “A.”

AMENDMENT No. 2—

On page 15, at the beginning of line 21, immediately before “Other” insert “B.”

Delegate Staggs moved the adoption of the amendments.

Seconded by Delegate Tapper.

And the amendments were adopted.

Delegate Staggs then moved the adoption of Rule No. 49, as amended.

Seconded by Delegate Kean.

And the Rule, as amended, was adopted.

Rule No. 50. Procedural Committees.

The following procedural committees are hereby created:

1. Committee on Rules, Credentials, Ethics and Schedules, which shall consider rules, credentials of delegates, questions of ethics, press and employees, schedules, calendar, agenda, and shall consider all questions on any procedural disputes referred to it by the Chairman or by the Convention;

2. Committee on Style and Drafting, which shall have control over literary style, consistency, arrangement and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it; and

3. Committee on Legislative Liaison and Transitional Measures, which shall maintain liaison with the legislative branch and the Louisiana Law Institute and provide for coordination of the transition of subject matter from the Constitution to the appropriate statute law.

4. Committee on Public Information, which shall consider and implement measures to inform the people on the actions, procedures, recommendations and activities of the Convention. It shall plan and implement the report to be given to the voters of Louisiana on the result of the Convention's work, and shall direct the effort to obtain approval of the new Constitution and the form and manner of presentation.

Read.

Delegate Kean moved the adoption of Rule No. 50.

Seconded by Delegate Newton.

Delegate Kean sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Kean to Committee Resolution No. 1 by Delegate Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 16, line 1, delete the word “and”

AMENDMENT No. 2—

On page 16, line 6, after the word “appropriate” delete the remainder of the line and insert in lieu thereof the following:
“law; and”

Delegate Kean moved the adoption of the amendments.

Seconded by Delegate Badeaux.

And the amendments were adopted.

Delegate Zervigon sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 16, line 1 after the word “it” delete the remainder of the line and insert in lieu thereof the following:

“Where a proposal referred to it is inconsistent or in conflict with a proposal already acted on favorably by the Convention the committee shall at the third reading (Rule 44H) so notify the Convention of that inconsistency or conflict and wait upon its instructions.”

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate Casey.

And the amendment was adopted.

Delegate Flory sent up the floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Flory to Committee Resolution No. 1 by Delegate Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 26, following the word “Credentials” delete the comma (,) and in lieu thereof substitute the word “and”

AMENDMENT No. 2—

On page 15, line 26, delete the words “and Schedules”

AMENDMENT No. 3—

On page 15, line 28, delete the words “schedules, calendar,”

AMENDMENT No. 4—

On page 15, line 29, delete the word “agenda,”

Delegate Flory moved the adoption of the amendments.

Seconded by Delegate J. Jackson.

And the amendments were adopted.

Delegate Colten sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Colton to Committee Resolution No. 1 by Delegate Staggs.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 15, line 28, immediately after the "ethics," and before the word "and" delete the word "press" and insert in lieu thereof the word "news media"

Delegate Colton moved the adoption of the amendment.

Seconded by Delegate Schmitt.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule No. 50, as amended.

Seconded by Delegate Newton.

And the Rule, as amended, was adopted.

Rule No. 51. Appointment of Committees.

The selection of delegates to serve on the substantive and procedural committees shall be determined as follows:

Within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said delegates the delegates to serve on each committee after giving due consideration to the preference of each delegate and based on the qualifications, experience and residence of each delegate so as to provide as nearly as possible a fair and balanced representation on each committee of this Convention.

Read.

Delegate Kean moved the adoption of Rule No. 51.

Seconded by Delegate Stagg.

Delegate Zervigon sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 16, beginning with line 23, delete the following after the word "Committee" "after giving due consideration to the preference of each delegate and based on" and insert in lieu thereof the following: "based primarily on the preference of each delegate and giving due consideration to"

Delegate Zervigon moved the adoption of the admenment.

Seconded by Delegate Soniat.

And the amendment was adopted.

Delegate Kean then moved the adoption of Rule No. 51, as amended.

Seconded by Delegate Stagg.

And the Rule, as amended, was adopted.

Rule No. 52. Committee on Committees.

The Committee on Committees shall be composed of the Chairman of the Convention who shall be chairman of the Committee on Committees and sixteen delegates, with two delegates to be elected from each congressional district by the delegates voting in the congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate caucuses.

Read.

Delegate Kean moved the adoption of Rule No. 52.

Seconded by Delegate Lanier.

Delegate Conino sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Conino to Committee Resolution No. 1 by Delegate Stagg, et al.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 1 immediately after the word "separate" strike out the word "caucases" and insert in lieu thereof the word "caucuses"

AMENDMENT No. 2—

On page 17, between lines 1 and 2 add the following: "No member of the Committee on Committees shall be elected a chairman or a vice-chairman of a substantive or procedural committee."

Delegate Conino moved the adoption of the amendments.

Seconded by Delegate De Blieux.

ROLL CALL

Th roll was called with the following results:

YEAS

Delegates—		
Abraham	Edwards	Rachal
Alexander	Fayard	Robinson
Arnette	Flory	Riecke
Asseff	Fontenot	Schmitt
Avant	Gravel	Silverberg
Badeaux	Grier	Singletary
Bergeron	Guarisco	Soniat
Blair	Hardee	Stinson
Bollinger	Hayes	Stovall
Brien	Jackson, J.	Sutherland
Brown	Kean	Tapper
Burns	Kilpatrick	Taylor
Burson	Lambert	Thistlethwaite
Champagne	Landrum	Toca
Chehardy	Landry, A.	Ullio
Conino	Landry, E. J.	Velazquez
Conroy	LeBleu	Vesich
D'Gerolamo	Leithman	Vick
De Blieux	Miller	Warren
Derbes	Newton	Weiss
Deshotels	O'Neill	
Dunlap	Perkins	
Total—64.		

NAYS

Delegates—		
Anzalone	Jackson, A.	Rayburn
Bel	Jenkins	Reeves
Cannon	Juneau	Roemer
Carmouche	Kelly	Segura
Casey	Kilbourne	Shannon
Chatelain	Lanier	Slay
Corne	LeBreton	Smith
Cowen	Leigh	Stagg
Dennery	Lennox	Stephenson
Dennis	Lowe	Tate
Drew	McDaniel	Thompson
Duval	Mauberet	Tobias
Elkins	Mire	Toomy
Fowler	Munson	Triche
Fulco	Nunez	Willis
Gauthier	Ourso	Winchester
Giarrusso	Perez	Wisham
Ginn	Planchard	Womack
Hernandez	Roy	Zervigon
Total—57.		

ABSENT

Delegates—		
Mr. Chairman	Colten	Martin
Aertker	Guidry	Sandoz
Alario	Haynes	Wall
Armentor	Jack	
Total—11.		

And the amendments were adopted.

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Delegate Kean moved the adoption of Rule No. 52, as amended.

Seconded by Delegate Stagg.

And the Rule, as amended, was adopted.

Rule No. 53. Service on Committees.

Each substantive and procedural committee shall be composed of at least ten delegates and no more than twenty. Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary.

The Chairman of the Convention shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Read.

Delegate Kean moved the adoption of Rule No. 53.

Seconded by Delegate Duval.

Delegate Brown sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Brown to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 4, immediately after the words "not more than" strike out the word "twenty" and insert in lieu thereof "thirty"

AMENDMENT No. 2—

On page 17, line 4, immediately before the word "Each" insert the following:

"The Committee on Committees shall determine the size of each substantive and procedural committee within such limitations."

AMENDMENT No. 3—

On pag 17, line 6, immediately after the word "committee." and before the word "Each" insert the following:

"No delegate shall serve on more than two committees of any nature excluding the Committee on Committees and the Executive Committee."

Delegate Brown moved the adoption of the amendments.

Seconded by Delegate Slay.

On motion of Delegate Perez the question was divided and the vote recurred on Amendment No. 1.

And Amendment No. 1 was adopted.

The vote recurred on Amendment No. 2.

And Amendment No. 2 was adopted.

On motion of Delegate Brown Amendment No. 3 was withdrawn.

Delegate Thompson sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Thompson to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 6 after the words "least one" delete the words "and only one".

AMENDMENT No. 2—

On page 17, line 8 after "necessary." add the following: "Not less than two delegates from each congressional district shall be appointed to each substantive committee."

On motion of Delegate Thompson, the amendments were withdrawn.

Delegate Thompson sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Thompson to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 6 after the words "least one" delete the words "and only one".

AMENDMENT No. 2—

On page 17, line 8 after "necessary." add the following: "Not less than two delegates from each congressional district may be appointed to each substantive committee."

On motion of Delegate Thompson the amendments were withdrawn.

Delegate Stinson moved to reconsider the vote by which Amendment No. 1 proposed by Delegate Brown and adopted by the Convention on January 16, 1973, was adopted, which motion was seconded by Delegate Stagg.

And the Convention refused to reconsider the vote by which Amendment No. 1 by Delegate Brown was adopted by the Convention.

Adjournment

Delegate Stovall moved that the Convention do now adjourn until Wednesday, January 17, 1973, at 9:30 o'clock a.m.

Seconded by Delegate Leithman.

And the motion was adopted.

And Chairman Henry declared the Convention adjourned until Wednesday, January 17, 1973 at 9:30 o'clock, a.m.

Prepared in accordance with the transcript and records of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, January 17, 1973, Baton Rouge, La.

The Convention was called to order at 1:30 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Planchard
Abraham	Fulco	Rachal
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Alexander	Ginn	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Guarisco	Schmitt
Avant	Hardee	Segura
Badeaux	Hayes	Shannon
Bel	Haynes	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Cannon	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Taylor
Chehardy	Landry, E. J.	Thistlethwaite
Colten	Lanier	Thompson
Conino	LeBleu	Tobias
Conroy	LeBreton	Toca
Corne	Leigh	Toomy
Cowen	Leithman	Triche
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennerly	McDaniel	Vesich
Dennis	Martin	Vick
Derbes	Maubertret	Wall
Deshotels	Miller	Warren
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Edwards	Nunez	Wisham
Elkins	O'Neill	Womack
Fayard	Ourso	Zervigon
Flory	Perez	
Fontenot	Perkins	
Total—127.		

ABSENT

Delegates—		
Armentor	Hernandez	Sandoz
Guidry	Roy	
Total—5.		

The Chairman announced that there were 127 members present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Alario led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Journal was dispensed with.

Oath of Office

The following oath of office was administered to Delegate Wellborn Jack by the Hon. David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Convention:

* * *

"I, (Wellborn Jack) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

And the Chair declared that the Convention had under consideration at the time of adjournment Rule No. 53 of Committee Resolution No. 1, by Delegate Stagg on behalf of the Temporary Committee on Rules.

Rule No. 53. Service on Committees.

Each substantive and procedural committee shall be composed of at least ten delegates and no more than twenty. Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary.

The Chairman of the Convention shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Read.

Delegate Kean moved the adoption of Rule No. 53.

Seconded by Delegate Bollinger.

Delegate Avant sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 6, delete the words "only one" and in lieu thereof substitute "not more than two"

AMENDMENT No. 2—

On page 17, line 6, delete the word "committee" and in lieu thereof substitute the word "committees"

Delegate Avant moved the adoption of the amendments.

Seconded by Delegate Leigh.

And the amendment was rejected.

Delegate De Blieux sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 11, after the word "vote" and before the word "and" insert the word "therein"

AMENDMENT No. 2—

On page 17, line 12, after the word "quorum" and before the period ".", insert the word "thereof"

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Delegate De Blieux moved the adoption of the amendments.

Seconded by Delegate Stagg.

And the amendments were adopted.

Delegate Roemer sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roemer to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 6, delete the period "." and insert in lieu thereof the following:

"and may serve on no more than one procedural committee."

Delegate Roemer moved the adoption of the amendment.

Seconded by Delegate Silverberg.

And the amendment was adopted.

Delegate Burson sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, between lines 8 and 9 insert the following:

"The Chairman of the Convention shall designate the date and place of the original meeting of each committee at which committee meeting officers are to be elected and each committee member is to be notified in person or by certified mail of such designation."

Delegate Burson moved the adoption of the amendment.

Seconded by Delegate Stagg.

And the amendment was adopted.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

Rule 53—On page 17, line 8, after the word "necessary," add the following:

"No delegate serving on the Executive Committee shall serve as Chairman or Vice Chairman of any substantive committee."

Delegate Conroy moved the adoption of the amendment.

Seconded by Delegate Gauthier.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker
Alexander
Badeaux
Bel
Bergeron

Bollinger
Brien
Brown
Burns
Champagne

Chatelain
Colten
Conino
Conroy
De Blieux

Dennis
Derbes
Deshotels
Drew
Dunlap
Duval
Elkins
Fayard
Fontenot
Gauthier
Grier
Guarisco
Guidry
Hayes
Hernandez
Jackson, J.
Jenkins
Juneau
Kean
Kelly

Total—75.

Kilbourne
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leithman
Lennox
Lowe
McDaniel
Nunez
O'Neill
Perez
Perkins
Rachal
Reeves
Riecke
Roemer
Schmitt

Shannon
Silverberg
Singletary
Smith
Soniat
Stinson
Stovall
Sutherland
Tapper
Taylor
Thompson
Tobias
Toomy
Ullo
Velazquez
Vesich
Warren
Weiss
Wisham
Zervigon

NAYS

Delegates—

Abraham
Alario
Anzalone
Arnette
Asseff
Avant
Blair
Burson
Cannon
Carmouche
Casey
Chehardy
Corne
Cowen
D'Gerolamo
Dennery
Edwards

Total—49.

Flory
Fulco
Giarrusso
Ginn
Gravel
Hardee
Haynes
Jack
Jackson, A.
Kilpatrick
LeBreton
Leigh
Martin
Maubert
Miller
Mire
Munson

ABSENT

Delegates—
Mr. Chairman
Armentor
Fowler

Total—8.

Roy
Sandoz
Tate

Wall
Willis

And the amendment was adopted.

Delegate De Blieux sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 6, after the words "least one" strike out the words "and only one substantive committee." and substitute the following:

"substantive committee but not more than two committees of any kind."

Delegate De Blieux moved the adoption of the amendment.

Seconded from the floor.

And the amendment was rejected.

Delegate Leithman in the Chair

Delegate Kean then moved the adoption of Rule No. 53, as amended.

Seconded by Delegate Stagg.

And the Rule, as amended, was adopted.

Chairman Henry in the Chair

Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First

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Vice-Chairman of the Convention, and the chairmen of the respective substantive committees. The Coordinating Committee shall consider any issues regarding omissions, overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or any subject matter; call joint meetings of any substantive committees for the purpose of discussing any omissions, overlap and/or conflict which might arise and make recommendations to the respective substantive committees as to possible resolution thereof.

Read.

Delegate Kean moved the adoption of Rule No. 54.

Seconded by Delegate Singletary.

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Juneau to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 17 after the word "regarding" and before the word "overlap" delete the word and punctuation "omissions."

AMENDMENT No. 2—

On page 17, line 21 before the word "overlap" and after the word "any" delete the word and punctuation "omissions."

Delegate Juneau moved the adoption of the amendments.

Seconded by Delegate A. Landry.

And the amendments were adopted.

Delegate Zervigon sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, beginning with line 13 and ending with line 16, delete the first sentence and substitute the following:

"The Coordinating Committee shall be composed of the Chairman of the Convention, or in his absence a vice-chairman designated by him and the Chairmen and Vice-Chairmen of all substantive committees."

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate Shannon.

And the amendment was rejected.

Delegate Shannon sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 15 immediately after the word "chairmen" and before the words "of the" insert the words "and vice-chairmen"

Delegate Shannon moved the adoption of the amendment.

Seconded by Delegate Alexander.

And the amendment was rejected.

Delegate Conroy sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, at the end of line 23, delete the period "." and insert the following:

"and shall assure that each provision of the Constitution of 1921, as amended, shall have been considered by at least one substantive committee."

Delegate Conroy moved the adoption of the amendment.

Seconded by Delegate D'Gerolamo.

And the amendment was adopted.

Delegate Bergeron sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bergeron to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 19, immediately after the word "matter" and before the word "call", insert the following: "pertaining to the substantive committees"

Delegate Bergeron moved the adoption of the amendment.

Seconded by Delegate Schmitt.

And the amendment was adopted.

Delegate Kean then moved the adoption of Rule No. 54, as adopted.

Seconded by Delegate Stagg.

And the Rule, as amended, was adopted.

Rule No. 55. Other Committees. The Convention shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive committees may create such sub-committees as each deems necessary, provided that all such sub-committees shall be created only by a majority vote of the creating body.

Read.

Delegate Kean moved the adoption of Rule No. 55.

Seconded by Delegate Newton.

Delegate Dennery sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 26, delete the part word "sub-"

AMENDMENT No. 2—

On page 17, line 27, delete the part word "stantive"

Delegate Dennery moved the adoption of the amendments.

Seconded by Delegate Tobias.

On motion of Delegate Dennery the amendments were withdrawn.

Delegate Jackson sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Resolution No. 1 by Delegate Stagg.

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Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 24 after the words "The Convention" and before the word "shall" insert the following:
", by a majority vote of the delegates present and voting,"

Delegate Jackson moved the adoption of the amendment.

Seconded by Delegate Gravel.

And the amendment was adopted.

Delegates Flory and Avant sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory and Avant to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 17, line 27, immediately after the portion of the word "substantive" and before the word "committees" insert the words:
"and procedural"

Delegate Flory moved the adoption of the amendment.

Seconded by Delegate Silverberg.

And the amendment was adopted.

Delegate Kean then moved the adoption of Rule No. 55, as amended.

Seconded by Delegate Leithman.

And the Rule, as amended, was adopted.

Rule No. 56. Proposals. The various articles of the proposed draft of a Constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the Convention after consultation with the chairman of the committee to which the staff will be assigned.

Read.

Delegate Kean moved the adoption of Rule No. 56.

Seconded by Delegate Newton.

And the Rule was adopted.

Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention unless the question has been raised before the committee. The rules of the Convention shall be observed in all committees as far as may be applicable, and, if applicable, may not be suspended.

Read.

Delegate Stagg moved the adoption of Rule No. 57.

Seconded by Delegate Singletary.

Delegate Stagg sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 2, immediately after "Committee" and before the word "Hearings" insert the words "Meetings and"

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Kean.

And the amendment was adopted.

Delegate Stagg sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 10, after the period, add the following:

Any committee may adopt its own rules of procedure. No committee rule shall conflict with the rules of the Convention, except that any committee may establish a different rule with respect to limits on debate.

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Perkins.

And the amendment was adopted.

Delegate Flory sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Flory to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 4, insert a period "." after the word "quorum" and strike out the remainder of the line.

AMENDMENT No. 2—

On page 18, strike out lines 5 and 6 in their entirety.

AMENDMENT No. 3—

On page 18, line 17, strike out the words "the question has been raised before the Committee."

Delegate Flory moved the adoption of the amendments.

Seconded by Delegate Avant.

And the amendments were adopted.

Delegate Stagg then moved the adoption of Rule No. 57, as amended.

Seconded by Delegate Kean.

And the Rule, as amended, was adopted.

Rule No. 58. A. Public Hearings, Records. No committee shall sit during sessions of the Convention or of the Committee of the Whole without special leave of a majority of Convention delegates present and voting. All committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Minutes of the committee meetings shall be recorded. All committees shall, and are hereby authorized to, hold public hearings either as a committee or through a designated sub-committee, said hearings to be conducted at such localities throughout the State as the committee may designate.

B. Appearance of Delegates or Witnesses. Any person wishing to be heard before a committee shall have a right to be heard subject to the rules of that committee.

C. Committees and sub-committees may take testimony under oath or affirmation, and the chairman of any committee or sub-committee is authorized to administer the oath.

Read.

Delegate Stagg moved the adoption of Rule No. 58.

Seconded by Delegate Weiss.

Delegate Stagg sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 26, after "C." insert "Testimony."

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Rayburn.

And the amendment was adopted.

Delegate Kean sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 15, delete the word "hearing" and insert the words "meetings and hearings."

Delegate Kean moved the adoption of the amendment.

Seconded by Delegate Velazquez.

And the amendment was adopted.

Delegate Zervigon sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, after line 28 and before line 29, add the following:

"D. Any person not a delegate appearing before a committee or sub-committee shall identify himself by name and address and shall state whether or not he is representing any other person or interest."

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate Hernandez.

And the amendment was adopted.

Delegate Champagne sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Champagne to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 18, immediately after the period "." and before the word "All" insert the following:

"It shall be the responsibility of these committees to translate to the English language all expressions of fact made other than in the English language at no additional cost to the Convention."

AMENDMENT No. 2—

On page 18, line 22, at the end of the line add the following: "This shall not be interpreted as to prevent a Delegate from meeting with his district at no additional cost to the Convention for the expressed purpose of getting and expressing views or opinions of any portion of the Constitution."

Delegate Champagne moved the adoption of the amendment.

Seconded by Delegate Anzalone.

And the amendments were rejected.

Delegate Schmitt sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 16 delete the words "may be recorded verbatim" and insert in lieu thereof the following:

"shall keep a sound recording and may keep a verbatim written record"

Delegate Schmitt moved the adoption of the amendment.

Seconded by Delegate Bergeron.

And the amendment was rejected.

Delegate Arnette sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 17, after the word "heard." and before the word "minutes" insert the following:

"Any one wishing to be heard in a language other than the English language shall supply his own interpreter."

Delegate Arnette moved the adoption of the amendment.

Seconded by Delegate Weiss.

And the amendment was rejected.

Delegate Roy sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 17, immediately after the word "heard." and before the word "Minutes" insert the following:

"Provided, however, that any delegate shall have the right to have his views recorded."

Delegate Roy moved the adoption of the amendment.

Seconded by Delegate Badeaux.

And the amendment was rejected.

Delegate Stagg then moved the adoption of Rule No. 58, as amended.

Seconded by Delegate Kean.

And the Rule, as amended, was adopted.

Rule No. 59. Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once.

Read.

Delegate Stagg moved the adoption of Rule No. 59.

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Seconded by Delegate Winchester.

Delegate Avant sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Resolution No. 1 by Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 18, line 31, following the word "agenda" delete the period "." and insert the following:

"", subject to the approval of a majority of the committee."

Delegate Avant moved the adoption of the amendment.

Seconded by Delegate Greer.

And the amendment was adopted upon a division of the Convention by a vote of 64 yeas and 44 nays.

Delegate Stagg then moved the adoption of Rule No. 59, as amended.

Seconded by Delegate Winchester.

And the Rule, as amended, was adopted.

Rule No. 60. Reports. All proposals submitted to a substantive committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report; a minority report may also be made by any member of a substantive committee.

Read.

Delegate Stagg moved the adoption of Rule No. 60.

Seconded by Delegate E. J. Landry.

Delegate Flory sent up the following amendments which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Flory to Committee Resolution No. 1 By Delegate Stagg.

Amend the original Resolution as follows:

AMENDMENT No. 1—

On page 19, line 6, after the word "substantive", add the words "or procedural"

AMENDMENT No. 2—

On page 19, between lines 10 and 11, add the following: "No resolution, petition, memorial or proposal shall be reported by a committee unless a public hearing on the measure first has been held by the committee. No committee shall report a measure to the Convention pursuant to a procedure, referred to as a "round robin."

Delegate Flory moved the adoption of the amendments.

Seconded by Delegate Kean.

And the amendments were adopted.

Delegate Stagg then moved the adoption of Rule No. 60, as amended.

Seconded by Delegate E. J. Landry.

And the Rule, as amended, was adopted.

Rule No. 61. Form of Reports. The chairman of a substantive committee shall write after each proposal or resolution only the words "reported favorably," "reported unfavorably," "reported with amendments," "reported without action," "reported without action with recommendation that

it be recommitted to the Committee on-----," "reported by substitute," as the case may be, which report shall be signed by the chairman. Should amendments be proposed, such amendment or amendments shall be written on a separate paper, original and two copies, numbered consecutively, and attached to the proposal or resolution, and under no circumstances shall words or sentences be interlined on the body of the measure, and the same be marked while in possession of committees.

Read.

Delegate Stagg moved the adoption of Rule No. 61.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 62. Notice of Committee Meetings. A. No committee meetings may be held unless notice thereof is given in the following manner: The Chairman of the committee or the members of the committee calling the meeting shall notify the Secretary of the Convention of the time, date, and place of the committee meeting. Within twenty-four hours thereafter the Secretary shall mail notices of such meeting to all members of the committee, all persons who have filed written requests for notice with the Secretary, and to all members of the Convention who have introduced proposals on the subject matter to be considered. The committee hearing shall not be scheduled less than four days from the date of notice to the Secretary. This rule shall apply only when the convention is not in session.

B. Committee and sub-committee meetings while the Convention is in session may be called by the chairman or by a majority of the Convention members upon twenty-four hour notice given by announcement from the floor of the Convention and by posting the notice thereof on a designated bulletin board in the vicinity of the floor of the Convention at least twenty-four hours before such meeting.

Read.

Delegate Stagg moved the adoption of Rule No. 62.

Seconded by Delegate Conino.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 20, line 4, immediately after the word "meetings" and before the word "while" insert the word "called"

AMENDMENT No. 2—

On page 20, line 6, immediately after the words "of the" and before the word "members" strike out the words "Convention" and insert in lieu thereof "committee"

Delegate moved the adoption of the amendments.

Seconded by Delegate Chatelain.

And the amendments were adopted.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 19, line 28, immediately after the word "or" and before the words "the members" insert the words "one of"

AMENDMENT No. 2—

On page 19, line 28, immediately after the word "meeting" and before the word "shall" insert the following: "under the authority of Rule 59"

Delegate Stagg moved the adoption of the amendments.

Seconded by Delegate Carmouche.

And the amendments were adopted.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 19, line 33 after the comma “,” following the word “Secretary” and before the word “and” add the following:

“the news media of the area where the committee meeting is being held,”

Delegate De Blieux moved the adoption of the amendment.

Seconded by Delegate Stagg.

And the amendment was rejected.

Delegate Zervigon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 19, line 29 after the word “date,” and before the word “and” insert the word “place”

AMENDMENT No. 2—

On page 19, line 30, before the words “of the committee meetings,” delete the word “place” and insert in lieu thereof the word “agenda”

Delegate Zervigon moved the adoption of the amendments.

Seconded by Delegate Silverberg.

And the amendments were adopted.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 20, line 1, after the words “four days” delete the remainder of the line and insert in lieu thereof “, not counting Saturdays, Sundays and holidays, after the mailing of the notices by the Secretary.”

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate Lowe.

And the amendment was rejected.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 20, delete lines 2 through 10 in their entirety and insert in lieu thereof the following:

“When the Convention is in session there shall be in addition to the above notice, further notice given by announcement of date, time, place and agenda of the committee meeting from the floor of the Convention and by posting of same on a designated bulletin board in the vicinity of the Convention floor. A committee may call an emergency meet-

ing obtaining consent of the Convention by a majority vote of those present and by giving forty-eight hours notice as described above.”

Delegate Zervigon moved the adoption of the amendment.

Seconded by Delegate De Blieux.

And the amendment was rejected.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 20, line 8, after the word “thereof” add the following:

“together with an agenda of the matters to be heard,”

Delegate De Blieux moved the adoption of the amendment.

Seconded by Delegate Schmitt.

And the amendment was rejected.

Delegate Stagg then moved the adoption of Rule No. 62, as amended.

Seconded by Delegate Conino.

And the Rule, as amended, was adopted.

Rule No. 63. Sub-committees. A committee, by the affirmative vote of the majority of its members, may provide for the appointment by the committee chairman of sub-committee composed of members of the committee. Reports of sub-committees shall be considered by the entire committee before any committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to sub-committees.

Read.

Delegate Stagg moved the adoption of Rule No. 63.

Seconded by Delegate Badeaux.

And the Rule was adopted.

Rule No. 64. Records. All written records and reports of committees of the Convention shall be subject to provisions of the Public Records Act.

Read.

Delegate Stagg moved the adoption of Rule No. 64.

Seconded by Delegate Reeves.

And the Rule was adopted.

Rule No. 65. Procedure. The Convention by a majority vote of the delegates present and voting may resolve itself into a Committee of the Whole for a specified time and purpose. The motion of the Committee of the Whole shall specify the maximum time during which the Committee shall sit.

A. The chairman shall designate a delegate to serve as chairman of the Committee of the Whole. The rules of procedure of the Convention shall apply insofar as applicable, except that delegates may speak more than once unless the chairman imposes limits on debate, actions will be governed by a majority of those present and voting, matters cannot be referred to other committees, no question may be laid on the table, the previous question cannot be ordered, and motions to adjourn will not be entertained.

B. Proposals in the Committee of the Whole shall be read through, debated and acted upon by sections. All amendments shall be in writing and reported to the Convention by the chairman.

C. A motion that the Committee of the Whole rise shall always be in order unless a delegate is speaking or a vote is being taken. The motion is not debatable and shall be decided by a majority vote of those present and voting.

Read.

Delegate Stagg moved the adoption of Rule No. 65.

Seconded by Delegate Slay.

And the Rule was adopted.

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5th Days Proceedings—January 17, 1973

Rule No. 66. Order. The daily business of the Convention shall proceed as follows:

Morning Hour

1. Roll call.
2. Prayer.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
6. Report of Committees.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration

Regular Order of the Day

12. Unfinished Business.
13. Special Order.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.
16. Proposals on calendar for approval of final styling.

Read.

Delegate Stagg moved the adoption of Rule 66.

Seconded by Delegate Duval.

Delegate Toca sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toca to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 21, between lines 18 and 19 insert the following: "2A. Pledge of Allegiance"

Delegate Toca moved the adoption of the amendment.

Seconded by Delegate Stagg.

And the amendment was adopted.

Delegate Stagg moved the adoption of Rule No. 66, as amended.

Seconded by Delegate Duval.

And the Rule, as amended, was adopted.

Rule No 67. Change in Daily Order. The order of daily business set forth in the above rule shall be adhered to unless the consent of the Convention shall be otherwise given by majority vote of the delegates present.

Read.

Delegate Stagg moved the adoption of Rule No. 67.

Seconded by Delegate Lanier.

And the Rule was adopted.

Rule No. 68. Time of Committee Referral. Where appropriate, all petitions and memorials shall be referred to the proper committees by the chairman as soon as read, where reference may be necessary or is requested by a delegate.

Read.

Delegate Stagg moved the adoption of Rule No. 68.

Seconded by Delegate Wisham.

And the Rule was adopted.

Rule No. 69. Privileged Motions. When a question is under debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.

3. To take a recess.

4. To call for the Orders of the Day.

5. To lay on the table.

6. For a Call of the Convention.

7. To limit debate.

8. To move the previous question on the entire subject matter.

9. To move the previous question.

10. To postpone to a day certain.

11. To commit, refer, or recommit.

12. To amend.

13. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question and the previous question on the entire subject matter shall require a vote of two-thirds of the delegates present and voting, and a motion to postpone indefinitely requires the affirmative vote of a majority of all delegates to the Convention. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, any pending amendments to the proposal shall first be in order before any vote is taken on any such motion.

Read.

Delegate Stagg moved the adoption of Rule 69.

Seconded by Delegate Chehardy.

Delegates Rayburn and Ginn sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Rayburn and Ginn to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 22, line 26 after the word "voting," and before the words "a motion" strike out the words "except that"

AMENDMENT No. 2—

On page 22, line 28 after the words "vote of" strike out the words "two-thirds" and insert in lieu thereof the words "a majority"

Delegate Rayburn moved the adoption of the amendments.

Seconded by Delegate Ginn.

And the amendments were adopted.

Leave of Absence

O'Neill—½ day.

Roy—1 day.

Armentor—1 day.

Sandoz—1 day.

Adjournment

Delegate Burns moved that the Convention do now adjourn until Thursday, January 18, 1973 at 10:00 o'clock A.M.

Seconded by Delegate Stagg.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, January 18, 1973 at 10:00 A.M.

Prepared in accordance with the transcript and records of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, January 18, 1973, Baton Rouge, La.

The Convention was called to order at 10:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

Delegates—	PRESENT	
Mr. Chairman	Fowler	Rachal
Abraham	Fulco	Rayburn
Aertker	Guathier	Reeves
Alario	Giarrusso	Riecke
Alexander	Ginn	Robinson
Anzalone	Gravel	Roemer
Armentor	Roy	Schmitt
Arnette	Guarisco	Segura
Asseff	Guidry	Shannon
Avant	Hardee	Silverberg
Badeaux	Hayes	Singletary
Bel	Haynes	Slay
Bergeron	Hernandez	Smith
Blair	Jack	Soniat
Bollinger	Jackson, A.	Stagg
Brien	Jackson, J.	Stephenson
Brown	Jenkins	Stinson
Burns	Juneau	Stovall
Burson	Kean	Sutherland
Cannon	Kelly	Tapper
Carmouche	Kilbourne	Tate
Casey	Lambert	Taylor
Champagne	Landry, A.	Thistlethwaite
Chatelain	Landry, E. J.	Thompson
Chehardy	Lanier	Tobias
Colten	LeBleu	Toca
Conino	Leigh	Toomy
Conroy	Leithman	Triche
Corne	Lennox	Ullo
Cowen	Lowe	Velazquez
D'Gerolamo	McDaniel	Vesich
De Blieux	Martin	Vick
Dennery	Mauberret	Wall
Dennis	Miller	Warren
Deshotels	Mire	Weiss
Drew	Munson	Willis
Dunlap	Newton	Winchester
Duval	Nunez	Wisham
Edwards	O'Neill	Womack
Elkins	Ourso	Zervigon
Fayard	Perez	
Flory	Perkins	
Fontenot	Planchard	
Total—127.		

ABSENT	
Derbes	Landrum
Kilpatrick	LeBreton
Total—5.	

The Chairman announced that there were 127 members
present and a quorum.

Prayer

Prayer was offered by Delegate Warren.

Pledge of Allegiance

Delegate Schmitt led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Mr. Toca, the reading of the Journal was
dispensed with.

The Chair announced that the Convention had before it
proposed Rule No. 69 of Committee Resolution No. 1 by
Delegate Stagg on behalf of the Temporary Committee on
Rules.

Rule No. 69. Privileged Motions. When a question is under
debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.
3. To take a recess.
4. To call for the Orders of the Day.
5. To lay on the table.
6. For a Call of the Convention.
7. To limit debate.
8. To move the previous question on the entire subject
matter.
9. To move the previous question.
10. To postpone to a day certain.
11. To commit, refer, or recommit.
12. To amend.
13. To postpone indefinitely.

The motions listed in this rule shall take precedence in the
order which they stand arranged. All of them shall be decid-
ed by the affirmative vote of a majority of those present and
voting, except that a motion for the previous question and
the previous question on the entire subject matter shall
require a vote of two-thirds of the delegates present and
voting, and a motion to postpone indefinitely requires the
affirmative vote of a majority of all delegates to the Con-
vention. When a recess is taken while a question is pending,
consideration of such question shall be resumed when the
Convention reassembles, unless it determines otherwise. No
motion to postpone to a day certain, or to commit, having
been decided by the Convention, shall again be in order on
the same day or at the same stage of the question. Whenever
a proposal is being considered and a motion is then made,
either to postpone indefinitely or to commit, any pending
amendments to the proposal shall first be in order before
any vote is taken on any such motion.

Read.

Delegate Stagg moved the adoption of Rule No. 69.

Seconded by Delegate Slay.

Delegates Rayburn and Ginn sent up floor amendments,
which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Rayburn and Ginn to
Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 22, line 26 after the word "voting," and before
the words "a motion" strike out the words "except that"

AMENDMENT No. 2—

On page 22, line 28 after the words "vote of" strike out
the words "two-thirds" and insert in lieu thereof the words
"a majority"

Delegate Rayburn moved the adoption of the amendments.

Seconded by Delegate Ginn.

A record vote was asked for and ordered by the Con-
vention.

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6th Days Proceedings—January 18, 1973

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Haynes	Rayburn
Alario	Hernandez	Reeves
Anzalone	Jack	Roy
Armentor	Jackson, A.	Robinson
Avant	Kelly	Segura
Bel	Lambert	Shannon
Blair	Landry, A.	Silverberg
Burns	LeBleu	Slay
Burson	Leithman	Smith
Cannon	Lennox	Stephenson
Chehardy	Lowe	Stovall
Corne	McDaniel	Tapper
D'Gerolamo	Martin	Thistlethwaite
Dunlap	Mauberret	Thompson
Edwards	Miller	Tobias
Elkins	Munson	Toca
Fayard	Newton	Triche
Flory	Nunez	Vesich
Fowler	O'Neill	Wall
Fulco	Perkins	Womack
Ginn	Perez	
Gravel	Planchard	

Total—64.

NAYS

Delegates—

Abraham	Deshotels	Riecke
Alexander	Drew	Roemer
Arnette	Duval	Schmitt
Asseff	Fontenot	Singletary
Badeaux	Gauthier	Soniat
Bergeron	Giarrusso	Stagg
Bollinger	Grier	Stinson
Brien	Guarisco	Sutherland
Brown	Hardee	Taylor
Carmouche	Hayes	Toomy
Casey	Jackson, J.	Ullo
Champagne	Jenkins	Velazquez
Chatelain	Juneau	Vick
Colten	Kean	Warren
Conino	Kilbourne	Weiss
Conroy	Landrum	Willis
Cowen	Landry, E. J.	Winchester
De Blieux	Lanier	Wisham
Dennery	Leigh	Zervigon
Dennis	Mire	

Total—59.

ABSENT

Delegates—

Mr. Chairman	Kilpatrick	Rachal
Derbes	LeBreton	Sandoz
Guidry	Ourso	Tate

Total—9.

And the amendments were adopted.

Delegate Jenkins sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 22, line 31, after the period insert the following: "Before calling for the vote on the previous question or on the previous question on the entire subject matter, the Chairman shall announce the names of those delegates who have requested to speak and shall state the number of amendments or motions which are still pending."

Delegate Jenkins moved the adoption of the amendment.

Seconded by Delegate O'Neill.

And the amendment was adopted.

Delegate Stovall sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Stovall to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 22, line 24, following the words "stand arranged," add the following:

"Proponents and opponents of motions shall be recognized to speak alternately."

AMENDMENT No. 2—

On page 22, line 24, following the words "All of" delete the word "them" and insert in lieu the word "motions"

Delegate Stovall moved the adoption of the amendments.

Seconded by Delegate De Blieux.

And the amendments were rejected.

Delegate Bollinger sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Bollinger to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 22, line 27, immediately after the partial word "tion" and before the words "the previous" strike out the word "and" and insert in lieu thereof a comma ","

AMENDMENT No. 2—

On page 22, strike out line 28 in its entirety

AMENDMENT No. 3—

On page 22, line 29, at the beginning of the line strike out the words "present and voting" and at the end of the line add the word "shall"

AMENDMENT No. 4—

On page 22, line 30 at the beginning of the line strike out the word "requires" and insert in lieu thereof the word "require"

AMENDMENT No. 5—

On page 22, line 30, after the words "vote of", strike out the remainder of the line and insert the following: "two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number."

AMENDMENT No. 6—

On page 22, line 31, at the beginning of the line, strike out the following "to the Convention."

Delegate Bollinger moved the adoption of the amendments.

Seconded by Delegate Brien.

Motion

Delegate Duval moved to limit debate to ten minutes allowing ten minutes to the proponents of the amendments and ten minutes to the opponents.

Seconded by Delegate Bollinger.

And the motion was adopted.

The vote recurred on the amendments.

And the amendments were rejected.

Delegate Stagg then moved the adoption of Rule No. 69, as amended.

Seconded by Delegate Slay.

And the Rule, as amended, was adopted.

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6th Days Proceedings—January 18, 1973

Rule No. 70. Motions Not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business and all matters relating to questions of order shall be decided without debate.

Read.

Delegate Stagg moved the adoption of Rule No. 70.

Seconded by Delegate Kelly.

And the Rule was adopted.

Rule No. 71. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 71.

Seconded by Delegate Reeves.

And the Rule was adopted.

Rule No. 72. Format of Motions and Seconds. Motions shall be presented in the following manner:

A. No motion listed in Rule No. 69 need to be in writing. Where a motion is in writing the delegate shall attach his or her name hereto before it is received by the Chairman or read by the Secretary, or before it is debated, if debate is in order.

B. No motion need be seconded.

Read.

Delegate Stagg moved the adoption of Rule No. 72.

Seconded by Delegate Segura.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 23, line 21, after the word "name" and before the word "before" delete the word "hereto" and insert in lieu thereof the word "thereto"

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Ullo.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule No. 72, as amended.

Seconded by Delegate Segura.

And the Rule, as amended, was adopted.

Rule No. 73. Motion for Reconsideration. Any member may move for a reconsideration of any question at the same session of the Convention or the next succeeding session. The Committee on Style and Drafting may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the Secretary and is entered upon the Journal. A motion to reconsider shall be taken up in its regular order and shall be decided upon by a majority vote of those members present and voting.

A motion to reconsider shall not be renewed on the same day.

Read.

Delegate Stagg moved the adoption of Rule No. 73.

Seconded by Delegate Tobias.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 23 in Rule No. 73 after the words "**Motion for Reconsideration.**" strike out the remainder of line 25 and all of lines 26 and 27 and add the following sentence:

"Any member who voted on the prevailing side of the question may move for a reconsideration of any question at the same session of the Convention or the next succeeding session."

Delegate Burson moved the adoption of the amendment.

Seconded by Delegate Munson.

And the amendment was rejected.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 23, line 29, immediately after the word "on" and before the word "any" insert the following:

"any matter which is in the purview of said committee's functions, on"

Delegate J. Jackson moved the adoption of the amendment.

Seconded by Delegate Stovall.

And the amendment was rejected.

Delegate Leithman in the Chair

Delegate Stagg then moved the adoption of Rule No. 73.

Seconded by Delegate Tobias.

And the Rule, was adopted.

Rule No. 74. Motion to Call from the Table. A motion which has been laid on the table shall be called from the table only by the affirmative vote of two-thirds of the delegates to the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 74.

Seconded by Delegate Bergeron.

And the Rule was adopted.

Rule No. 75. Division of a Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule. No section of a proposal may be divided. The limits on debate as set forth in Rule No. 30 of these rules shall apply to the debate on each division of a question.

Read.

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6th Days Proceedings—January 18, 1973

Delegate Stagg moved the adoption of Rule No. 75.

Seconded by Delegate Fayard.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg on behalf of the Temporary Rules Committee to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 24, line 11, delete the word "No".

AMENDMENT No. 2—

On page 24, line 12, delete the words "section of a proposal may be divided".

On motion of Delegate Stagg the amendments were withdrawn.

Delegate De Blieux sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 24, line 11, delete the word "No".

AMENDMENT No. 2—

On page 24, line 12, delete the words "section of a proposal may be divided".

Delegate De Blieux moved the adoption of the amendment.

Seconded by Delegate Avant.

And the amendments were adopted.

Delegate Stagg moved the adoption of Rule No. 75, as amended.

Seconded by Delegate Fayard.

And the Rule, as amended, was adopted.

Rule No. 76. Previous Question. A. Previous question. This undebatable motion is applicable only to the pending amendment, or amendments, if more than one amendment is under discussion; and it shall be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried its effect shall be to put an end to the debate and bring the Convention to a vote on the pending amendments only, without prejudice to further debate on, or subsequent amendments to, the main question. If there has been any discussion on the amendments, the proponent, or a delegate designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes.

B. Previous question on the entire subject matter. It shall only be admitted when ordered by a favorable vote of two-thirds of the delegates present and voting, and when carried, its effect shall be to put an end to all debate, and bring the Convention to a direct vote:

(1) Upon the pending amendment and so on back to the first amendment offered;

(2) Upon amendment reported by a committee, if any; and,

(3) Upon the main question. But in all questions involving length of time, amount of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes, may have been made.

On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to a decision of the main question. On a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a motion is made for the previous question on the entire subject matter, and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put and determined in order as above, without debate on either amendments or the main question, provided that the proponents of the amendments and measure, or a delegate designated by him, shall respectively have the right to close the debate, after the previous question on the entire subject matter is ordered, which closing speech shall be limited to a total of fifteen minutes.

Read.

Delegate Stagg moved the adoption of Rule No. 76.

Seconded by Delegate Slay.

Delegate Kean sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Kean to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 24, line 19 after the word "vote" delete the remainder of line 19 and insert in lieu thereof the following: "as provided in Rule 69"

AMENDMENT No. 2—

On page 24, line 20 delete the word "voting"

AMENDMENT No. 3—

On page 24, line 25, delete the "a" before the word "delegate" and change the word "delegate" to "delegates"

AMENDMENT No. 4—

On page 24, line 29, delete the word "of", and on line 30, delete the words "two thirds of the delegates present voting" and insert "as provided in Rule 69."

AMENDMENT No. 5—

On page 24, line 32 after the word "Convention" and before the word "to" add the words "or any committee"

AMENDMENT No. 6—

On page 25, line 22 delete the "a" and change the word "delegate" to "delegates"

AMENDMENT No. 7—

On page 25, line 25, correctly spell the word "speechs" so as to read "speeches"

Delegate Kean moved the adoption of the amendment.

Seconded by Delegate Kean.

And the amendments were adopted.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Resolution No. 1, by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 25, between lines 7 and 8 add the following:

"(4) The motion for the previous question and the previous question on the subject matter shall, during the consideration of any proposal, extend only to the individual section under discussion in accordance with Rule No. 45."

Delegate Duval moved the adoption of the amendment.

Seconded by Delegate Velazquez.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule No. 76, as amended.

Seconded by Delegate Slay.

And the Rule, as amended, was adopted.

Rule No. 77. Adjournment and Recess. A motion to adjourn or recess shall always be in order, except when, on a call for the previous question and previous question on the entire subject matter, the question shall have been ordered, or when a delegate has the floor, and shall be decided without debate.

Read.

Delegate Stagg moved the adoption of Rule No. 77.

Seconded by Delegate Shannon.

And the Rule was adopted.

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. The names of absentees on all calls of the yeas and nays shall be placed on a separate list.

Read.

Delegate Stagg moved the adoption of Rule 78.

Seconded by Delegate Bergeron.

And the Rule was adopted.

Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record.

Read.

Delegate Stagg moved the adoption of Rule No. 79.

Seconded by Delegate Weiss.

And the Rule was adopted.

Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the chairman shall be taken to break the tie, provided that the chairman, in this event, shall not have previously voted as a delegate on the question.

Read.

Delegate Stagg moved the adoption of Rule No. 80.

Seconded by Delegate Chehardy.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 26, line 11, after the words "divided, the" and before the words "of the" delete the word "decision" and insert in lieu thereof the word "vote"

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Mire.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule No. 80, as amended.

Seconded by Delegate Chehardy.

And the Rule, as amended, was adopted.

Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be entered in the Journal, and no proposal, section, or article shall be declared passed unless a majority of all the delegates to the Convention shall have voted in favor of the passage of same.

Read.

Delegate Stagg moved the adoption of Rule No. 81.

Seconded by Delegate Kean.

And the Rule was adopted.

Rule No. 82. Consent. No proposal, resolution or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present.

Delegate Stagg moved the adoption of Rule No. 82.

Seconded by Delegate Ourso.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 26, line 23, at the end of the line strike out the period "." and insert in lieu thereof the following: "and voting."

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Ourso.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule No. 82, as amended.

Seconded by Delegate Ourso.

And the Rule, as amended, was adopted.

Rule No. 83. Precedence. When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time for which they were severally made or assigned, and said orders shall at no time be lost or changed except by direction of the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 83.

Seconded by Delegate Wisham.

And the Rule was adopted.

Rule No. 84. Change in Rules. Any standing rule of the Convention may be rescinded, altered, or amended in the following manner: notice shall be given in writing of the motion therefore, which motion shall be referred immediately by the chairman to the Committee on Rules, which shall file its report to the Convention within twenty-four hours of receipt of the motion. Two days after the filing of the proposed change, the motion shall be considered by the Convention with or without the report of the Committee on Rules, and for passage shall require a vote of a majority of the delegates to the Convention.

Read.

Delegate Stagg moved the adoption of Rule No. 84.

Seconded by Delegate Ginn.

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Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 26, line 33, after the word "motion" and before the word "which" delete the word "therefore," and insert in lieu thereof the word "therefor,"

AMENDMENT No. 2—

On page 27, line 4, after the words "require a" and before the word "vote" insert the following "favorable"

Delegate Stagg moved the adoption of the amendments.

Seconded by Delegate Lanier.

And the amendments were adopted.

Delegate Stagg then moved the adoption of Rule No. 84, as amended.

Seconded by Delegate Ginn.

And the Rule, as amended, was adopted.

Rule No. 85. Suspension of Rules. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number.

Read.

Delegate Stagg moved the adoption of Rule No. 85.

Seconded by Delegate Slay.

Delegate Arnette sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 27, line 8, after the word "of" delete the remainder of the line and delete lines 9 and 10 in their entirety and insert in lieu thereof the following:
"a majority of the delegates to the Convention."

Delegate Arnette moved the adoption of the amendment.

Seconded by Delegate Gauthier.

And the amendment was adopted.

Delegate Stagg then moved the adoption of Rule 85, as amended.

Seconded by Delegate Slay.

And the Rule, as amended, was adopted.

Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Read.

Delegate Stagg moved the adoption of Rule No. 86.

Seconded by Delegate Thompson.

And the Rule was adopted.

Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following shall constitute notice:

(a) If the Convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(b) If the Convention is not in session, the Secretary shall give notice to the delegates by U. S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

Read.

Delegate Stagg moved the adoption of Rule No. 87.

Seconded by Delegate Newton.

And the Rule was adopted.

Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or implicit, Mason's **Manual Of Legislative Procedure** shall be considered authority.

Read.

Delegate Stagg moved the adoption of Rule 88.

Seconded by Delegate Fayard.

And the Rule was adopted.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Resolution No. 1 by Delegate Stagg et al.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 27, line 32, add the following:

"Rule No. 89. **Name Abbreviation.** In all correspondence, news releases, memoranda and other similar writings, it shall be permissible to refer to the Constitutional Convention of 1973 by the abbreviation 'C.C./'73'."

Delegate Stagg moved the adoption of the amendment.

Seconded by Delegate Kean.

And the Rule was adopted.

Delegate Womack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Womack to Committee Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 27, line 32 add the following:

"CHAPTER 7.
Interim Meetings

Rule No. 90. Interim Meetings of the Convention.

The Chairman, with the approval of the Executive Committee, may reconvene the Convention."

On motion of Delegate Womack, the amendment was withdrawn.

Final Passage

Delegate Stagg moved the adoption of Committee Resolution No. 1, as amended.

Seconded by Delegate Kean.

And the Resolution was adopted.

Chairman Henry announced his appointment of the Hon. David R. Poynter as Chief Clerk of the Convention.

Delegate Taylor moved to approve Chairman Henry's appointment as provided in the Rules.

And the appointment was approved by acclamation by the Convention.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 6—

Introduced by Delegate Weiss:

A RESOLUTION

Relative to the use of existing Louisiana Hospital Television Network Facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

WHEREAS, it is of vital importance to the success of the work of this convention that its committees have the benefit of the knowledge, wisdom and opinion of all of the citizens of Louisiana and that methods be evolved which permit ease of access to such persons regardless of their place of residence within the state; and

WHEREAS, in addition to the public meetings which the various committees will hold within and without the city of Baton Rouge at which interested citizens and those having specialized knowledge will appear, it is anticipated that additional need for consultation and hearings will develop during the course of committee study and deliberation which will require contact with individuals and groups of individuals in various areas of the state; and

WHEREAS, the existing closed circuit television facilities of the Louisiana Hospital Television Network can be of inestimable value to this convention and its committees, and hence to the people of the state of Louisiana, in providing a means of communication between the members of any committee and persons or groups residing in other areas in or near the state owned and operated hospitals which form a part of said hospital television network; and

WHEREAS, Section 5(F) of Act No. 2 of the 1972 Regular Session of the Legislature authorizes this convention "to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state" and provides that "all such agencies shall cooperate with the convention so the fullest extent in furnishing services, facilities and employees upon request," and it is desirable that action be taken to provide for the use of the facilities of the above referred to television network and, to the extent feasible and necessary, those of the Louisiana Educational Television Authority.

THEREFORE, BE IT RESOLVED that, in the interest of expediency and in order to provide a useful facility for the development of data and information and for the review of specific progress in the preparation of assigned categories of its work, this Constitutional Convention does hereby make its formal request to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration and the head of the Division of Hospitals of said Administration and such other division heads as may be applicable, that the existing facilities of the Louisiana Hospital Television Network be made available to this convention and to the committees of this convention during the course of the deliberations in connection with the framing of a new constitution for the state of Louisiana, as provided by Act No. 2 of the Regular Session of 1972, according to such schedule, which shall not conflict with the regular closed circuit programming of said network, as shall be developed and determined by the convention, acting through the respective chairmen of its committees and the appropriate officials or personnel of said Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that such existing closed circuit television facilities shall be made available only when not in use for the purposes for which they are operated and on an hourly cost basis for line charges and personnel time which shall be determined by the Executive Committee of this Constitutional Convention and, further, that such facilities shall be made available only upon request by the respective committee chairmen made prior to the date on which such use is required and then only for necessary discussions relative to the work assigned to the committee making the request and in no case for general discussion meetings which would demand more time than use of lines

by all committees requesting such services would permit, consistent with the regular usage of the facilities of the Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that the Louisiana Educational Television Authority is hereby requested to cooperate with the Louisiana Hospital Television Network officials to the full extent deemed necessary and desirable in order to assure that closed circuit television facilities are made available to this Constitutional Convention and its committees as herein set forth.

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted by the Secretary of the Constitutional Convention to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration, to the head of the Division of Hospitals of said Administration, to the head of the Louisiana Education Television Authority and to any other person to whom application without delay.

Read.

Motion

On motion of Delegate Weiss the Rules were suspended in order to consider the Resolution at this time.

Delegate Weiss moved the adoption of the Resolution.

Delegate Womack moved as a substitute that the Resolution be referred to the Committee on Public Information.

Delegate Weiss objected.

The substitute motion was rejected viva voce.

Motion

Delegate Womack moved as a substitute that the Resolution be referred to the Executive Committee.

Delegate Weiss objected.

The substitute motion was rejected, viva voce.

The vote then recurred on Delegate Weiss's motion for the adoption of the Resolution.

And the Resolution was adopted, viva voce.

DELEGATE RESOLUTION No. 7—

Introduced by Delegate Derbes:

A RESOLUTION

To adopt the following standing rule of the Constitutional Convention.

Rule No. --- Registration of Advocates

A. Advocates Defined

An advocate is any person who is the representative for compensation and/or reimbursement of expenses of any other person, or any partnership, committee, association, corporation or other organization, or of any division, subdivision or agency of the State of Louisiana, its parishes or municipalities, to advocate passage or defeat of proposals or or to otherwise influence the work of the Convention, its committees, sub-committees or delegates. Before advocating passage or defeat of proposals of and before attempting to influence the work of the Convention, its committees, sub-committees or delegates, the advocate shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the advocate is employed, and the name and address of the person or entity whose interest the advocate will advocate.

B. Registration

Registration of advocates shall be by oath or affirmation before an officer authorized by law to administer oaths, or before the chairman of any committee or sub-committee as provided in Rule No. 58. Whenever there occurs a change in the facts stated in the registration statement, the advocate shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention, a list of all advocates and their affiliations.

C. Prohibition

Any person who has commenced the activities of an advocate without prior registration as herein required shall, upon resolution of the committees or sub-committees of the Convention, be denied the privilege of addressing that respective committee or sub-committee. Any advocate who

has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer for prosecution for the crime of false swearing.

Read, lies over under the Rules.

DELEGATE RESOLUTION No. 8—

Introduced by Delegates Roy, Gauthier and Dennis:

A RESOLUTION

WHEREAS, pursuant to Act 2 of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

WHEREAS, the Honorable Walter B. Hamlin, Chief Justice of the Supreme Court of Louisiana was, by said Act, designated as the temporary chairman of said Convention; and

WHEREAS, Chief Justice Hamlin immediately and conscientiously initiated procedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Chief Justice Hamlin devoted many hours of study and preparation for this historic undertaking; and

WHEREAS, his new duties as Chief Justice of the Louisiana Supreme Court and as Chief Administrative Officer of the Judiciary of the State of Louisiana compelled him to have someone designated in his stead,

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express their deep and sincere appreciation to Chief Justice Hamlin for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part of the minutes of this Convention and a copy suitably framed and presented to Chief Justice Hamlin.

Read.

On motion of Delegate Roy the rules were suspended in order to consider the adoption of the Resolution at this time.

Delegate Triche sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Triche to Delegate Resolution No. 1 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

Add as co-authors "and all members of the Constitutional Convention of 1973"

On motion of Delegate Trice, the amendment was adopted.

On motion of Delegate Triche, the Resolution, as amended was adopted.

DELEGATE RESOLUTION No. 9—

By: Delegate Jenkins:

A RESOLUTION

To provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and to provide further with respect thereto.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that no printing, materials, supplies, equipment or services, except employment, with a value in excess of five hundred dollars shall be purchased or rented by the Convention unless the Executive Committee or any subcommittee of the Executive Committee or any officer who may be authorized to do so shall have first advertised for sealed bids, opened such bids in public and accepted the lowest responsible bid which has been offered reserving the right to refuse to accept any bid; and

BE IT FURTHER RESOLVED that no contract for printing, materials, supplies, equipment or services, which may have been heretofore agreed to by the State of Louisi-

ana shall be binding on this Convention.

On motion of Delegate Jenkins, and under a suspension of the Rules, the Resolution was placed on the Calendar for final passage on tomorrow.

DELEGATE RESOLUTION No. 10—

Introduced by Delegate Asseff:

A RESOLUTION

To urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.

WHEREAS, there are many disabled veterans which has resulted from their defense of their country in various areas of the world, and

WHEREAS, this country owes a profound debt of gratitude especially to its disabled veterans for their performance of their duty at great personal sacrifice, and,

WHEREAS, it is the duty of all of our citizens to repay these veterans and not penalize them for their acts of bravery and patriotism for their country, and

WHEREAS, the Louisiana Constitutional Convention is deeply concerned about the welfare of our disabled veterans who gave so much in behalf of their country and deserve the best that we can offer for their great sacrifice for us and for mankind.

THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention convened in Baton Rouge on January 16, 1973, that the Convention expresses its gratitude to our disabled veterans and urges public and private employers to give preference to disabled veterans in their employment practices.

Read.

On motion of Delegate Asseff, the Rules were suspended for the purpose of considering the Resolution at this time.

On motion of Delegate Asseff the Resolution was adopted.

DELEGATE RESOLUTION No. 11—

Introduced by Delegate Avant:

A RESOLUTION

BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such.

Read.

On motion of Delegate Avant the Rules were suspended for the purpose of considering the Resolution at this time.

On motion of Delegate Avant, the Resolution was adopted.

DELEGATE RESOLUTION No. 12—

By Delegate Shannon:

A RESOLUTION

To commend and express the appreciation of this convention to all persons, groups and organizations for assistance during the organizational period of the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the convention and all of its members do hereby express to all those individuals, groups and organizations, public and private, who have generously assisted this convention and its individual members during the course of its organizational period its sincere appreciation for such services.

BE IT FURTHER RESOLVED that all such persons, groups and organizations are highly commended for the diligence and dedication exhibited in their efforts in behalf of this Constitutional Convention.

Read.

On motion of Delegate Shannon the Rules were suspended in order to consider the adoption of the Resolution at this time.

On motion of Delegate Shannon the Resolution was adopted.

DELEGATE RESOLUTION No. 13—

Introduced by Delegate Guarisco:

A RESOLUTION

To direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

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WHEREAS, it will be necessary for the delegate to correspond with persons in the interest of forming a new Constitution; and

WHEREAS, no official stationery exists for the delegates; and

WHEREAS, it is of much importance that the delegates do have official stationery so that they will be recognized throughout the state when corresponding with various persons and officials.

THEREFORE, BE IT RESOLVED by the delegates to the 1973 Constitutional Convention of Louisiana that the Chairman and Executive Committee of Convention are hereby directed to provide each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any Convention office held by a delegate.

Read.

On motion of Delegate Guarisco the Rules were suspended for the purpose of considering the Resolution at this time.

Delegate Guarisco sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Delegate Resolution No. 13 by Delegate Stagg.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 1, line 21, immediately after the words "and any" and before the word "office" insert the word "Convention"

On motion of Delegate Guarisco the amendment was adopted.

On motion of Delegate Guarisco the resolution, as amended, was adopted.

DELEGATE RESOLUTION No. 14—

Introduced by Delegates Arnette, Sutherland and all delegates to the Constitutional Convention of 1973:

A RESOLUTION

WHEREAS, pursuant to Act 2, of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

WHEREAS, the Honorable Joseph W. Sanders, Justice of the Supreme Court of Louisiana was, by the Supreme Court, designated as the temporary chairman of said Convention; and

WHEREAS, Justice Sanders immediately and conscienti-

ously initiated procedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Justice Sanders devoted many hours of study and preparation for this historic undertaking; and

WHEREAS, Justice Sanders did perform the duties of temporary chairman in an exemplary manner.

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express their deep and sincere appreciation to Justice Sanders for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part of the minutes of this Convention and a copy suitably framed and presented to Justice Sanders.

Read.

On motion of Delegate Arnette the rules were suspended for the purpose of considering the adoption of the Resolution at this time.

On motion of Delegate Arnette the Resolution was adopted.

Leave of Absence

Derbes—1 day.

Sandoz—1 day.

Ourso—½ day.

Tate—½ day.

LeBreton—½ day.

J. Jackson—½ day.

Colten—½ day.

Adjournment

Delegate Wall, moved that the Convention do now adjourn until Friday, January 19, 1973 at 9:30 o'clock, A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, January 19, 1973 at 9:30 o'clock A.M.

Prepaid in accordance with the transcript and records of the Convention. Resolutions introduced on this day have been numbered by the Secretary in accordance with the order of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of 1972
Regular Session of the Legislature

Friday, January 19, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Planchard
Aertker	Gauthier	Rachal
Alario	Giarrusso	Rayburn
Alexander	Ginn	Reeves
Anzalone	Gravel	Riecke
Armentor	Grier	Robinson
Arnette	Guarisco	Roemer
Asseff	Guidry	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniati
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Colten	Landry, E. J.	Taylor
Conino	Lanier	Thistlethwaite
Conroy	LeBleu	Thompson
Corne	LeBreton	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennerly	Lowe	Ullo
Dennis	McDaniel	Velazquez
Derbes	Martin	Vesich
Deshotels	Mauberrtet	Vick
Drew	Miller	Wall
Dunlap	Mire	Warren
Duval	Munson	Weiss
Edwards	Newton	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Womack
Fontenot	Perez	Zervigon
Fowler	Perkins	
Total—131.		

ABSENT

Delegates—
Abraham
Total—1.

The Chairman announced that there were 131 members present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Kean led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Alario, the reading of the Journal was dispensed with.

Morning Hour

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following resolutions:

DELEGATE RESOLUTION No. 15—

By Delegate Dennis:

A RESOLUTION

To provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

BE IT RESOLVED, that the substantive, procedural and other committees now created or otherwise created in accordance with the Standing Rules of the Convention are hereby authorized and directed to commence immediately the performance of their functions and duties, and to expend funds of the Convention in furtherance thereof under the administration of the Executive Committee, all in accordance with the Standing Rules of the Convention.

BE IT FURTHER RESOLVED that the Executive Committee is hereby authorized and directed to commence immediately the performance of its duties and functions including that of budgeting and approving the expenditure of convention funds by itself and all other committees of the Convention, in accordance with Act 2 of 1972 and the Standing Rules of the Convention.

Read.

On motion of Delegate Dennis the Rules were suspended for the purpose of considering the adoption of the Resolution at this time.

On motion of Delegate Dennis the Resolution was adopted.

**Resolutions on Second
Reading and Referral**

The following entitled Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 7—

Introduced by Delegate Derbes:

A RESOLUTION

To adopt the following standing rule of the Constitutional Convention.

Rule No. . Registration of Advocates

Advocates Define

An advocate is any person not a delegate to the Louisiana Constitutional Convention who is the representative for compensation and/or reimbursement of expenses of any other person, or any partnership, committee, association, corporation or other organization, or of any division, subdivision or agency of the State of Louisiana, its parishes or municipalities, to advocate passage or defeat of proposals of or to otherwise influence the work of the Convention, its committees, sub-committees or delegates. Before advocating passage or defeat of proposals of and before attempting to influence the work of the Convention, its committees, sub-committees or delegates, the advocate shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the advocate is employed, and the name and address of the person or entity whose interest the advocate will advocate.

B. Registration

Registration of advocates shall be by oath or affirmation before an officer authorized by law to administer oaths, or

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before the chairman of any committee or sub-committee as provided in Rule No. 58. Whenever there occurs a change in the facts stated in the registration statement, the advocate shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention, a list of all advocates and their affiliations.

C. Prohibition

Any person who has commenced the activities of an advocate without prior registration as herein required shall, upon resolution of the committees or sub-committees of the Convention, be denied the privilege of addressing that respective committee or sub-committee. Any advocate who has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer for prosecution for the crime of false swearing.

Read.

On motion of Delegate Derbes, the rules were suspended in order to consider the adoption of the Resolution at this time.

Delegate Derbes moved the adoption of the Resolution.

Delegate Kean moved, as a substitute, that the Resolution be referred to the Committee on Rules, Credentials and Ethics.

Delegate Triche objected.

The substitute motion carried, viva voce.

Delegate Kean moved to reconsider the vote by which the Resolution was referred to the Committee on Rules, Credentials and Ethics was adopted, and on his own motion, the motion to reconsider was tabled.

Resolutions Delegate and Committee

The following entitled Delegate Committee Resolutions were taken up on their third reading and final passage:

RESOLUTION No. 9—

By: Delegate Jenkins:

A RESOLUTION

To provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and to provide further with respect thereto.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that no printing, materials, supplies, equipment or services, except employment, with a value in excess of five hundred dollars shall be purchased or rented by the Convention unless the Executive Committee or any sub-committee of the Executive Committee or any officer who may be authorized to do so shall have first advertised for sealed bids, opened such bids in public and accepted the lowest responsible bid which has been offered, reserving the right to refuse to accept any bid; and

BE IT FURTHER RESOLVED that no contract for printing, materials, supplies, equipment or services, which may have been heretofore agreed to by the State of Louisiana shall be binding on this Convention.

Read.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Delegate Resolution No. 9 by Delegate Jenkins.

Amend the Original Resolution as follows:

AMENDMENT No. 1—

On page 1, line 7, delete the words "five hundred dollars" and insert in lieu thereof the words "one thousand dollars"

AMENDMENT No.2—

On page 1, line 12, after the word "bid" delete the semicolon, insert a comma and the following "all in accord with the Public Contract Law of the state;"

On motion of Delegate Jenkins, the amendments were adopted.

Delegate Jenkins moved the adoption of the Resolution, as amended.

As a substitute Delegate Avant moved to refer the Resolution to the Executive Committee.

Delegate Jenkins objected.

The substitute motion carried viva voce.

Delegate Avant moved to reconsider the vote by which the Resolution was referred to the Executive Committee, and on his own motion that motion was laid on the table.

Motion

On motion of Delegate Casey, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 16—

Introduced by Delegates T. A. Casey:

A RESOLUTION

To commend and express the appreciation of the Convention to the Honorable Wade O. Martin, Jr., Secretary of State, for his valuable contributions to the Louisiana Constitutional Convention of 1973.

WHEREAS, Mr. Martin was instrumental in the endeavors to bring about this Convention; and

WHEREAS, even before the first meeting of the delegates, Mr. Martin and his staff were hard at work taking applications for staff positions for the Convention; and

WHEREAS, the Secretary of State attended the first Convention meeting and called the roll of delegates and announced the votes on various measures for the Convention; and

WHEREAS, Mr. Martin has offered his personal assistance and the assistance of his staff to aid the delegates in preparing a new constitution for the people of this state; and

WHEREAS, the delegates of this Convention sincerely appreciate his untiring efforts to help the people of the state of Louisiana.

THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that its members do hereby express its sincere appreciation to the Honorable Wade O. Martin, Jr., Secretary of State, for his diligent efforts in receiving applications and providing for a temporary staff for this Convention, his participation in the opening session of this body and the many other valuable services which he has performed in behalf of this Convention.

BE IT FURTHER RESOLVED that the various members of Secretary of State Martin's staff who worked in behalf of this Convention are hereby commended for their contributions toward a successful organizational session of the Louisiana Constitutional Convention of 1973.

BE IT FURTHER RESOLVED that this Resolution be engrossed and made part of the minutes of this Convention and a copy suitably framed and presented to the Honorable Wade O. Martin, Jr., Secretary of State.

Read.

On motion of Delegate Casey the Rules were suspended in order to consider the adoption of the Resolution at this time.

Mr. Casey moved the adoption of the Resolution.

Delegate Casey sent up a floor amendment, which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Delegate Resolution No. 16 by Delegate Casey.

Amend Original Resolution as follows:

AMENDMENT No. 1—

Add as co-authors all the delegates to the Convention

On motion of Delegate Casey the amendment was adopted.

On motion of Delegate Casey the Resolution, as amended, was adopted.

Election of Officers

On the motion of Delegate Kilpatrick, the Convention took up the election of officers as provided in Act 2 of the 1972 Regular Session and the Standing Rules of the Convention.

The election of the **Statutory Vice-Chairman** (First Vice Chairman) was taken up at this time.

Delegate Burson placed in nomination the name of Delegate Ruth Miller.

Delegate Arnette seconded the nomination.

Delegate Badeaux seconded the nomination.

Delegate A. Jackson placed in nomination the name of Delegate Tom Stagg.

Delegate Roemer seconded the nomination.

Delegate Bollinger seconded the nomination.

Delegate Lynn Perkins placed in nomination her own name.

Delegate Warren seconded the nomination.

Delegate O'Neill seconded the nomination.

Delegate Thompson moved that the nominations be closed.

The roll was called and the vote taken with the following results:

ROLL CALL VOTE

FOR DELEGATE MILLER

Delegates—

Alario	Elkins	Rachal
Alexander	Flory	Roy
Arnette	Ginn	Rayburn
Avant	Gravel	Robinson
Badeaux	Grier	Riecke
Bel	Hardee	Segura
Bergeron	Haynes	Silverberg
Blair	Jackson, J.	Singletary
Brien	Juneau	Soniat
Brown	Kelly	Stovall
Burns	Kilpatrick	Tate
Burson	Landrum	Taylor
Cannon	Landry, A.	Tobias
Carmouche	Landry, E. J.	Toca
Casey	Lanier	Triche
Chatelain	LeBleu	Ullo
Chehardy	LeBreton	Velazquez
Conino	Leigh	Vick
Cowen	Leithman	Wall
D'Gerolamo	Lennox	Weiss
De Blieux	Lowe	Willis
Dennery	Miller	Winchester
Dennis	Mire	Wisham
Deshotels	Munson	Zervigon
Dunlap	Newton	
Edwards	Planchard	
Total—76.		

FOR DELEGATE STAGG

Delegates—

Bollinger	Guarisco	Sandoz
Conroy	Hayes	Schmitt
Corne	Hernandez	Shannon
Derbes	Jack	Smith
Drew	Jackson, A.	Stagg
Duval	Kean	Stinson
Fowler	Kilbourne	Thistlethwaite
Fulco	McDaniel	
Giarrusso	Roemer	
Total—25.		

FOR DELEGATE PERKINS

Delegates—

Anzalone	Martin	Slay
Champagne	Mauberet	Sutherland
Fayard	Nunez	Thompson
Fontenot	O'Neill	Toomy
Gauthier	Ourso	Warren
Guidry	Perkins	Womack
Jenkins	Perez	
Lambert	Reeves	
Total—22.		

NOT VOTING

Delegates—

Mr. Chairman	Armentor	Stephenson
Abraham	Asseff	Tapper
Aertker	Colten	Vesich
Total—9.		

Before the vote was announced, on the suggestion of Delegate Stagg and Delegate Perkins, all delegates voting otherwise changed their vote so as to vote for Delegate Miller.

And the Chair declared Delegate Miller elected as **Statutory Vice Chairman** (1st Vice Chairman).

The election of a **Vice Chairman** was taken up at this time.

Delegate Dennis placed in nomination the name of Delegate Tom Casey.

Delegate Juneau seconded the nomination.

Delegate Soniat seconded the nomination.

Delegate Thompson moved that nominations be closed, which motion was adopted.

Delegate Guidry moved that Delegates Casey be elected by acclamation, which motion was adopted unanimously.

And the Chair declared Delegate Tom Casey elected as a **Vice-Chairman**.

The election of another **Vice-Chairman** was taken up at this time.

Delegate Taylor placed in nomination the name of Delegate Avery C. Alexander.

Delegate Wall seconded the nomination.

Delegate Burns seconded the nomination.

Delegate Carmouche moved that the nominations be closed, and that Delegate Alexander be elected by acclamation, which motion was adopted unanimously.

And the Chair declared Delegate Avery C. Alexander elected as a **Vice Chairman**.

The election of a final **Vice-Chairman** was taken up at this time.

Delegate Fayard placed in nomination the name of Delegate Chris J. Roy.

Delegate Kelly seconded the nomination.

Delegate Bergeron seconded the nomination.

Delegate Toca moved that the nominations be closed and that Delegate Roy be elected by acclamation, which motion was adopted unanimously.

And the Chair declared Delegate Chris J. Roy elected as a **Vice Chairman**.

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The election of **Secretary** was taken up at this time.

Delegate Kilpatrick placed in nomination the name of Delegate Moise W. Dennery.

Delegate Leigh seconded the nomination.

Delegate Cowen seconded the nomination.

Delegate Stinson placed in nomination the name of Delegate Louis "Woody" Jenkins.

Delegate Roemer seconded the nomination.

Delegate Warren seconded the nomination.

Delegate Kean moved that the nominations be closed, which motion was adopted.

And the roll was called with the following results:

ROLL CALL VOTE

FOR DELEGATE DENNERY

Delegates—		
Alario	Gauthier	Rachal
Alexander	Giarrusso	Roy
Anzalone	Ginn	Robinson
Avant	Gravel	Riecke
Bel	Grier	Segura
Bergeron	Guidry	Silverberg
Blair	Haynes	Soniat
Brien	Jackson, A.	Stovall
Burson	Jackson, J.	Sutherland
Carmouche	Juneau	Taylor
Casey	Kilpatrick	Tobias
Chatelain	Landrum	Toca
Chehardy	Landry, A.	Toomy
Conino	LeBreton	Triche
Conroy	Leigh	Ullo
Cowen	Leithman	Velazquez
D'Gerolamo	Lennox	Vesich
Dennery	Martin	Vick
Dennis	Mauberret	Wall
Derbes	Miller	Weiss
Dunlap	Mire	Willis
Edwards	Munson	Winchester
Flory	Newton	Zervigon
Total—69.		

FOR DELEGATE JENKINS

Delegates—		
Aertker	Hayes	Rayburn
Arnette	Hernandez	Reeves
Badeaux	Jack	Roemer
Bollinger	Jenkins	Sandoz
Brown	Kean	Schmitt
Burns	Kelly	Shannon
Cannon	Kilbourne	Singletary
Champagne	Lambert	Slay
Corne	Landry, E. J.	Smith
De Blieux	Lanier	Stinson
Deshotels	LeBleu	Tapper
Drew	Lowe	Tate
DuVal	McDaniel	Thistlethwaite
Elkins	Nunez	Thompson
Fayard	O'Neill	Warren
Fontenot	Ourso	Wisham
Fowler	Perkins	Womack
Fulco	Perez	
Hardee	Planchard	
Total—55.		

NOT VOTING

Delegates—		
Mr. Chairman	Asseff	Stagg
Abraham	Colten	Stephenson
Armentor	Guarisco	
Total—8.		

Before the vote was announced, on the suggestion of

Delegate Jenkins, all delegates voting otherwise changed their vote so as to vote for Delegate Dennery.

And the Chair declared Delegate Moise W. Dennery elected as **Secretary**.

The election of **Treasurer** was taken up at this time.

Delegate O'Neill placed in nomination the name of Delegate Ethan J. Chatelain.

Delegate Conroy seconded the nomination.

Delegate Gauthier seconded the nomination.

Delegate Kean placed in nomination the name of Delegate Herman "Monday" Lowe.

Delegate Womack seconded the nomination.

Delegate Flory seconded the nomination.

Delegate Planchard moved that the nominations be closed, which motion was adopted.

And the roll was called with the following results:

ROLL CALL VOTE

FOR DELEGATE CHATELAIN

Delegates—		
Anzalone	Gauthier	Reeves
Arnette	Giarrusso	Riecke
Bergeron	Grier	Sandoz
Bollinger	Hardee	Segura
Burns	Hayes	Singletary
Burson	Jackson, J.	Slay
Champagne	Juneau	Smith
Chatelain	Lambert	Stovall
Conroy	Leigh	Sutherland
Corne	Lennox	Tate
Cowen	McDaniel	Thistlethwaite
Dennis	Miller	Thompson
Derbes	Newton	Velazquez
Deshotels	O'Neill	Warren
Duval	Perkins	Willis
Fayard	Planchard	Zervigon
Fontenot		
Total 49.		

FOR DELEGATE LOWE

Delegates—		
Aertker	Guidry	Rachal
Alario	Haynes	Rayburn
Alexander	Hernandez	Robinson
Avant	Jack	Roemer
Badeaux	Jackson, A.	Schmitt
Bel	Jenkins	Shannon
Blair	Kean	Silverberg
Brien	Kelly	Soniat
Cannon	Kilbourne	Stinson
Carmouche	Kilpatrick	Tapper
Casey	Landrum	Taylor
Chehardy	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
De Blieux	LeBleu	Triche
Drew	LeBreton	Ullo
Dunlap	Leithman	Vesich
Edwards	Lowe	Vick
Elkins	Martin	Wall
Flory	Mire	Weiss
Fowler	Munson	Winchester
Fulco	Nunez	Wisham
Ginn	Ourso	Womack
Gravel	Perez	
Total—71.		

NOT VOTING

Delegates—		
Abraham	Colten	Roy
Armentor	Dennery	Stagg
Asseff	Guarisco	Stephenson
Brown	Mauberret	
Total—12.		

Before the vote was announced on the suggestion of Delegate Chatelain, all delegates voting otherwise changed their votes so as to vote for Delegate Lowe.

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Recess

On the motion of Delegate Kean, the Convention recessed for 30 minutes for the purpose of holding congressional caucuses to elect members to the Committee on Committees and the Executive Committee.

After Recess

Upon a call of the Convention the Chair announced there was a quorum present.

And the congressional caucuses reported to the Convention the election of the following delegates to the **Executive Committee**:

FIRST CONGRESSIONAL DISTRICT

Delegate Vesich
Delegate Nunez

SECOND CONGRESSIONAL DISTRICT

Delegate Alario, Jr.
Delegate Landrum, Jr.

THIRD CONGRESSIONAL DISTRICT

Delegate Segura
Delegate Chehardy

FOURTH CONGRESSIONAL DISTRICT

Delegate Drew
Delegate Fulco

FIFTH CONGRESSIONAL DISTRICT

Delegate Womack
Delegate Wall

SIXTH CONGRESSIONAL DISTRICT

Delegate Flory
Delegate Newton

SEVENTH CONGRESSIONAL DISTRICT

Delegate Cowen
Delegate Planchard

EIGHTH CONGRESSIONAL DISTRICT

Delegate Thistlethwaite
Delegate Carmouche

And the Chair declared the above delegates elected to the **Executive Committee**.

The Congressional Caucuses reported to the Convention the election of the following delegates to the **Committee on Committees**:

FIRST CONGRESSIONAL DISTRICT

Delegate Riecke
Delegate Burns

SECOND CONGRESSIONAL DISTRICT

Delegate Soniat
Delegate Toomy

THIRD CONGRESSIONAL DISTRICT

Delegate Lanier
Delegate D'Gerolamo

FOURTH CONGRESSIONAL DISTRICT

Delegate Fowler
Delegate Smith

FIFTH CONGRESSIONAL DISTRICT

Delegate Kilpatrick
Delegate Thompson

SIXTH CONGRESSIONAL DISTRICT

Delegate Anzalone
Delegate Wisham

SEVENTH CONGRESSIONAL DISTRICT

Delegate Deshotels
Delegate Willis

EIGHTH CONGRESSIONAL DISTRICT

Delegate Champagne
Delegate Martin

And the Chair declared the above delegates elected to the **Committee on Committees**.

Announcement of Committee Meetings

Executive Committee—Tuesday, January 23, 1973 at 10:00 A.M., State Capitol.

Committee on Committees—Wednesday, January 24, 1973 at 10:00 A.M., State Capitol

Leave of Absence

Abraham—½ day.

Adjournment

Delegate Womack moved that the Convention do now adjourn until Tuesday, January 30 at 4:00 o'clock, p.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Tuesday, January 30 at 4:00 o'clock p.m.

Prepared in accordance with the transcript and records of the Convention. Resolutions introduced on this day have been numbered by the Secretary in accordance with the order of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, January 30, 1973, Baton Rouge, La.

The Convention was called to order at 4:00 o'clock P.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Rachal
Abraham	Giarrusso	Rayburn
Aertker	Ginn	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Robinson
Armentor	Guarisco	Roemer
Arnette	Guidry	Roy
Asseff	Hardee	Sandoz
Avant	Hayes	Schmitt
Badeaux	Haynes	Segura
Bel	Hernandez	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Cannon	Kilbourne	Stephenson
Carmouche	Kilpatrick	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Conino	Lanier	Taylor
Conroy	LeBleu	Thistlethwaite
Corne	LeBreton	Thompson
Cowen	Leigh	Tobias
D'Gerolamo	Leithman	Toca
Dennery	Lennox	Toomy
Dennis	Lowe	Triche
Derbes	Martin	Ullo
Deshotels	Mauberret	Velazquez
Drew	Miller	Vesich
Dunlap	Munson	Vick
Duval	Newton	Warren
Edwards	Nunez	Weiss
Elkins	O'Neill	Willis
Fayard	Ourso	Winchester
Flory	Perez	Wisham
Fontenot	Perkins	Womack
Fowler	Planchard	Zervigon
Total—123.		

ABSENT

Delegates—		
Alario	De Blieux	McDaniel
Brown	Gauthier	Mire
Colten	Jenkins	Wall
Total—9.		

The Chairman announced that there were 123 members
present and a quorum.

Prayer

Prayer was offered by Delegate Miller.

Pledge of Allegiance

Delegate De Blieux led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate De Blieux, the reading of the
Journal was dispensed with.

Morning Hour

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications
were received and read:

State of Louisiana
SECRETARY OF STATE

January 5, 1973

Honorable Joe W. Sanders
Associate Justice, Supreme Court of Louisiana
Acting Chairman
Louisiana Constitutional Convention
Baton Rouge, Louisiana

Dear Judge Sanders:

Pursuant to the direction of the Louisiana Legislature
contained in House Concurrent Resolution No. 280 of the
1972 Regular Session, I am transmitting said Resolution to
be inscribed on the permanent records of the Constitutional
Convention.

With best wishes for a very successful convention, I am

Sincerely,
WADE O. MARTIN, JR.
Secretary of State

WOMjr/lsg
Enclosure

HOUSE CONCURRENT RESOLUTION No. 280—

By Mr. Long (on behalf of the House Education Commit-
tee):

A CONCURRENT RESOLUTION

To express to the constitutional convention the desire of the
Legislature the the convention will provide, in the pro-
posed constitution which it adopts and sends to the people
for ratification, that the terms of office of the members
of the state board of education shall be staggered four-
year terms.

WHEREAS, the state board of education is the governing
board for the educational system of the state of Louisiana,
a department of government upon which each of the young
people of this state are in a real sense dependent for the
opportunities which their lives will afford; and

WHEREAS, it is important that this board be closely tied
to the people of the state and that it be directly responsible
and answerable to the people at such times and with such
frequency that the actions of the members of said board may
be supported with a vote of confidence or repudiated by a
negative vote; and

WHEREAS, the present terms of the members are of such
length as to make it difficult, if not impossible, for the
electorate to express their opinion of the actions of board
members at the polls, since the time which elapses between
actions taken in the earlier portions of a member's term
are forgotten or contradicted by later action; and

WHEREAS, a term of four years for each member, with
vacancies occurring at such times as to assure that experi-
enced members will be included on the board at all times,
would permit the electorate to speak in a more meaningful
fashion on the actions of a member of the board by return-
ing him to office on the basis of his actions or defeating
him at the polls on the same basis if the voters find this
warranted.

THEREFORE, BE IT RESOLVED by the House of Rep-
resentatives of the Louisiana Legislature, the Senate thereof

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concurring herein, that the Legislature of the state of Louisiana does hereby state its desire that the constitutional convention, to be convened in January of 1973, will provide in the constitution which it adopts and sends to the people for ratification, that the terms of the members of the state board of education shall be four year terms and that vacancies in the membership of such board shall occur each year, thus assuring that experienced members will always be included on the board.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the Secretary of State and by him transmitted to the constitutional convention on its first day of meeting with the intention that the receipt of and the contents of this resolution shall be inscribed on the permanent records of the constitutional convention.

**JOINT LEGISLATIVE COMMITTEE
ON THE
REORGANIZATION OF LEVEE DISTRICTS
(Created by Act No. 387 of the 1972 Regular Session)**

Report to the
Constitutional Convention
called by Act No. 2 of the 1972 Regular Session
January 5, 1973

To: The Honorable Chairman and Members of the Constitutional Convention called by Act No. 2 of the 1972 Regular Session

Gentlemen and Ladies:

Act No. 387 of the 1972 Regular Session created the Joint Legislative Committee on the Reorganization of Levee Districts, to study and make recommendations to this Constitutional Convention relative to the manner and procedure by which the levee districts and levee and drainage districts and the board of commissioners thereof may be reorganized and operated.

Following extensive research and study, the committee reports and recommends as follows:

1. This is an interim report, to be followed by a more detailed report which will be submitted to the Constitutional Convention at a later date.

2. The committee recommends that no levee district be accorded Constitutional status, such as is presently granted to the Orleans and Pontchartrain levee districts. In this connection, the committee recognizes that the Constitution now provides protection to the bondholders of those outstanding bonds which have been issued by these two districts, and it is necessary that continued protection be granted to all such bondholders. On the other hand, the committee is of the opinion that the full faith and credit of the state could be placed behind the bonds by simple legislative Act, rather than by placing a provision in the new Constitution.

3. The committee is continuing its study as to the legislative changes which should be made and its report on same will be issued at a later date. The committee urges the Convention also to study this area. The extensive files of the committee are located in the offices of the Legislative Council, and will be made available to the Convention upon request at any time.

Respectfully submitted,
**JOINT LEGISLATIVE COMMITTEE ON
REORGANIZATION OF LEVEE DISTRICTS**

F. E. "HANK" LAURICELLA
Senator F. E. Lauricella, Chairman

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 17—

Introduced by Delegates Abraham, Brien, Champagne, Chatelain, Conroy, Derbes, J. Jackson, Juneau, Landrum,

Lanier, Miller, Newton, O'Neill, Reeves, Taylor, Tobias, Triche, Weiss and Zervigon:

A RESOLUTION

WHEREAS, it is the desire of all delegates to the Constitutional Convention of 1973 that all Citizens of the State of Louisiana participate in the drafting of a new Constitution for the State of Louisiana; and

WHEREAS, the participation and support of all Citizens of the State of Louisiana is necessary and desirable in all stages of the drafting and ratification of a new Constitution for the State of Louisiana.

NOW, THEREFORE BE IT RESOLVED that the delegates of the Constitutional Convention of 1973, individually and jointly, request that each Citizen of the State of Louisiana communicate with any or all delegates to the Constitutional Convention of 1973 advising what he, she or they think a new Constitution for the State of Louisiana should provide.

BE IT FURTHER RESOLVED that each Citizen of the State of Louisiana is extended an invitation by the delegates of the Constitutional Convention of 1973 to testify, either in writing or orally, before any appropriate Committee of the Constitutional Convention of 1973 regarding what he, she or they think a new Constitution for the State of Louisiana should provide.

Read.

On motion of Delegate Tobias the rules were suspended for the purpose of considering the adoption of the Resolution at this time.

On motion of Delegate Tobias the resolution was adopted.

Delegate Tobias moved to reconsider the vote by which the above resolution was adopted and on his own motion that motion was laid on the table.

DELEGATE RESOLUTION No. 18—

Introduced by Delegate Dennis:

A RESOLUTION

To create and establish a composite committee to hold public hearings with respect to matters with which the Louisiana Constitutional Convention of 1973 is concerned.

WHEREAS, a state constitution as any constitution represents the most basic legal foundation of a people out of which all order and harmony originates; and

WHEREAS, a constitution, being a document of the people, must as closely as possible reflect the thoughts and ideas of its people if it is to be flexible and viable; and

WHEREAS, in order to ensure that the work of this Convention be a document of and for all the citizens of this state an appropriate number of public hearings should be held at which public views on particular vital issues might be determined; and

WHEREAS, such public hearings would provide a forum through which the sagest decisions on constitutional matters might be arrived at by the delegates to the Convention; and

WHEREAS, public hearings would also provide the public with a closer view of the progress of the Convention and a more intimate contact with the making of decisions by the delegates.

THEREFORE, BE IT RESOLVED that this Constitutional Convention does hereby authorize its Executive Committee to appoint one member from each of the substantive and procedural committees of this Convention to serve as a composite committee which shall hold public hearings on matters with which the convention is concerned.

BE IT FURTHER RESOLVED that the Executive Committee shall determine the time, place and dates for meetings of the composite committee herein authorized.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read.

Delegate Henry, chairman, on behalf of the Committee on Committees, submitted the following report:

Constitutional Convention
State Capitol
State of Louisiana

January 30, 1972, Baton Rouge, La.

To the Chairman and Delegates to the Convention:

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I am directed by your Committee on Committees to submit the following report:

In accordance with Rule No. 51 of the Rules of Procedure of the Constitutional Convention of 1973 the following delegates have been appointed to the following committees:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT

1. Bollinger
2. Derbes
3. Elkins
4. Guidry
5. Hardee
6. Jack
7. LeBleu
8. Leigh
9. Lambert
10. Miller
11. Munson
12. Perkins
13. Singletary
14. Thompson
15. Velazquez
16. Warren
17. Womack

COMMITTEE ON EDUCATION AND WELFARE

1. Armentor
2. Aertker
3. Carmouche
4. Corne
5. Cowen
6. Flory
7. Grier
8. Haynes
9. Hernandez
10. E. J. Landry
11. Leithman
12. Lennox
13. Rachal
14. Riecke
15. Robinson
16. Segura
17. Silverberg
18. Sutherland
19. Thistlethwaite
20. Toca
21. Wisham

COMMITTEE ON REVENUE, FINANCE AND TAXATION

1. Alario
2. Badeaux
3. Brown
4. Champagne
5. Chehardy
6. Conroy
7. De Blieux
8. Edwards
9. Fontenot
10. Lowe
11. McDaniel
12. Mauberret
13. Mire
14. Newton
15. Nunez
16. Planchard
17. Rayburn
18. Roemer
19. Schmitt
20. Slay
21. Smith
22. Triche
23. Winchester

COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT

1. Burson
2. Cannon
3. Chatelain
4. Colton
5. Conino
6. D'Gerolamo
7. Fowler
8. Giarrusso
9. Hayes
10. J. Jackson
11. Lanier
12. Kean
13. Perez
14. Reeves
15. Shannon
16. Stephenson
17. Taylor
18. Toomy
19. Ullo
20. Zervigon

COMMITTEE ON JUDICIARY

1. Avant
2. Bel
3. Bergeron
4. Burns
5. Dennis
6. Deshotels
7. Drew
8. Gauthier
9. Kelly
10. Kilbourne
11. A. Landry
12. Martin
13. Ourso
14. Sandoz
15. Tate
16. Tobias
17. Vesich
18. Willis

COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS

1. Asseff
2. Blair
3. Casey
4. Fayard
5. Fulco
6. Ginn
7. Juneau
8. Landrum
9. LeBreton
10. Kilpatrick
11. O'Neill

COMMITTEE ON EXECUTIVE DEPARTMENT

1. Abraham
2. Alexander
3. Anzalone
4. Arnette
5. Brien
6. Dennery
7. Duval
8. Gravel
9. Stagg
10. Stovall
11. Tapper

COMMITTEE ON BILL OF RIGHTS AND ELECTIONS

1. Dunlap
2. Guarisco
3. Jenkins
4. A. Jackson
5. Roy
6. Soniat
7. Stinson
8. Vick
9. Wall
10. Weiss

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Having completed its work, the committee was dissolved.

Respectfully submitted,

E. L. HENRY,
Chairman.

Delegate Henry, chairman, on behalf of the Executive Committee, submitted the following report:

Constitutional Convention
State Capitol
State of Louisiana

January 30, 1973, Baton Rouge, La.

To the Chairman and Delegates to the Convention:

I am directed by your Executive Committee to submit the following report:

DELEGATE RESOLUTION No. 9—

Introduced by Delegate Jenkins:

A RESOLUTION

To provide with respect to the purchase of printing, materials, supplies, equipment and services, except employment, and to provide further thereto.

Reported without action.

Respectfully submitted,

E. L. HENRY,
Chairman.

On motion of Delegate Jenkins the Rules were suspended in order to take up the Resolution contained in the report at this time.

On motion of Delegate Jenkins the above resolution was withdrawn from the files of the Convention.

The Convention then stood at ease to allow the procedural committees to elect officers.

The committees notified the Convention that the following officers had been elected.

PUBLIC INFORMATION

Delegate Juneau—Chairman
Delegate Fontenot—Vice Chairman
Delegate Silverberg—Vice Chairman
Delegate Dunlap—Secretary

STLYE & DRAFTING

Delegate Tate—Chairman
Delegate Tobias—Vice Chairman
Delegate Asseff—Secretary

RULES, CREDENTIALS AND ETHICS

Delegate Stovall—Chairman
Delegate Arnette—Vice Chairman
Delegate Corne—Secretary

**LEGISLATIVE LIAISON AND
TRANSITIONAL MEASURES**

Delegate LeBreton—Chairman
Delegate Zervigon—Vice Chairman

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 19—

Introduced by Mr. Dennery:

A RESOLUTION

To authorize the Executive Committee of the Louisiana Constitutional Convention to utilize the Division of Administration in purchasing and procuring supplies, equipment and printing for the convention and to provide that the provisions of law relative to the letting of public contracts shall be applicable to the purchase or procurement of supplies, equipment or printing by the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the Executive Committee of the Constitutional Convention is hereby authorized to utilize the personnel and the bidding, purchasing and procurement procedures and services of the Division of Administration in the purchase or procurement of supplies, equipment and printing for the Constitutional Convention.

BE IT FURTHER RESOLVED that the provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the letting of public contracts, shall be applicable to the purchase or procurement of supplies, equipment or printing by the Louisiana Constitutional Convention and that the Executive Committee of the convention shall, and is hereby directed to, comply with such provisions of law in making such purchases or procuring such items for the convention.

Read.

On motion of Delegate Dennery, the Rules were suspended for the purpose of considering the adoption of the Resolution at this time.

Delegate Dennery moved the adoption of the Resolution.

Delegate Triche moved, as a substitute, that the Resolution be referred to the Executive Committee.

Delegate Dennery objected.

By a vote of 41 yeas and 67 nays, the Convention refused to refer the Resolution to the Executive Committee.

The vote then recurred on Delegate Dennery's motion for the adoption of the Resolution.

And the Resolution was adopted, viva voce.

Announcements

Delegate Lowe, the Convention Treasurer, then presented the following financial report:

**CONSTITUTIONAL CONVENTION, 1973
FINANCIAL FIGURES**

(TO BE USED ONLY AS A POINT OF
DEPARTURE FOR ESTABLISHING A FINAL
DRAFT OF A BUDGET)

CONSTITUTIONAL CONVENTION, 1973

Summary of Attendance at Meetings
January 5, 1973 through January 29, 1973

Date 1973	Meeting	Number of Delegates			
		Total	Present	Absent	% Present
1/5	Convention	132	132	0	100.00%
1/6	Temporary Rules Committee	17	17	0	100.00
1/7	Temporary Rules Committee	17	17	0	100.00
1/8	Temporary Rules Committee	17	17	0	100.00
1/12	Convention	132	129	3	97.73
1/13	Convention	132	130	2	98.49
1/16	Convention	132	128	4	96.97
1/17	Convention	132	130	2	98.49
1/18	Convention	132	130	2	98.49
1/19	Convention	132	131	1	99.24
1/23	Executive Committee	23	23	0	100.00
1/24	Executive Committee	23	22	1	95.65
1/24	Committee on Committees	17	17	0	100.00
1/25	Executive Committee	23	20	3	86.96
1/25	Committee on Committees	17	17	0	100.00
1/29	Executive Board—Sub Committees	7	7	0	100.00
TOTALS		<u>1,085</u>	<u>1,067</u>	<u>18</u>	<u>98.34%</u>

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8th Days Proceedings—January 30, 1973

Number of meetings attended by Chairman Henry for which no per diem was charged	12
Total attendance subject to per diem for delegates	1,055
Per diem rate per day for no more than one meeting per day	\$50.00
Total delegate per diem January 5, 1973 through January 29, 1973	\$52,750.00
Number of meetings January 5, 1973 through January 29, 1973	
Meeting	
Convention	7
Temporary Rules Committee	3
Executive Committee	3
Executive Committee—Sub Committees	1
Committee on Committees	2
TOTAL	16

CONSTITUTIONAL CONVENTION, 1973

Estimated Expenses To Date
Through January 29, 1973

Estimated Expenses

White House Inn	\$1,120	
Room Rent—5 days	695	\$ 1,815
Bellefont Motor Hotel		
Room Rent—1 day	\$ 80	
Coffee	102	182
Copy machine paper & toner—A. B. Dick		157
Stationery—Latil Stationery Co., Inc		96
Secretary of State		
Projets of Constitution to Delegates		279
Gulf South Research Institute		19,568
Convention Meetings—Per Diem—Note—A 903 delegates in attendance at 7 meetings		45,150
Committee Meetings—Per Diem—Note—A		
Temporary Rules Committee (51)	\$2,550	
Executive Committee (69)	3,450	
Committee on Committees (32)	1,600	
		7,600
Louisiana State University		
Reimbursement for out of pocket costs for setting up and cleaning Assembly Center, January 5, 1973		671
Printing—State of La.—Division of Administration		3
TOTAL		\$75,521

Note—A—Does not include any costs to cover assistant clerks,
Sergeant at Arms and Assistants, Pages and Contingencies.

CONSTITUTIONAL CONVENTION, 1973

Projected Estimated Costs—Convention and Committee
Meetings (excluding travel allowance and providing for
100% attendance)

(To be used only as a point of departure for establishing
a final draft of a budget)

Projected Estimated Cost

	Total	Delegates	Other
Executive Committee			
23 members @ \$50 ea.	\$1150	\$1150	\$
1 Assistant Sergeant at Arms	30		30
1 Page	15		15
Contingencies	100		100
Total—1 meeting	\$1295	\$1150	\$ 145

Substantive Committee

16 members @ \$50 ea.	\$800	\$ 800	\$
1 Assistant Sergeant at Arms	30		30
1 Page	15		15
Contingencies	100		100
Total—1 meeting	\$ 945	\$ 800	\$ 145

Procedural Committee

16 members @ \$50 ea.	\$ 800	\$ 800	\$
1 Assistant Sergeant at Arms	30		30
1 Page	15		15
Contingencies	100		100
Total—1 meeting	\$ 945	\$ 800	\$ 145

Convention

132 Delegates @ \$50 ea.	\$6600	\$6600	\$
1 Sergeant at Arms @ \$50	50		50
5 Assistant Sergeant at Arms @ \$30 ea.	150		150
8 Pages @ \$15 ea.	120		120
Rental of Meeting Room	200		200
Coffee	75		75
Copy Machine	50		50
Contingencies	1000		1000
Total—1 meeting	\$8245	\$6600	\$1645

Committee on Committees

16 members @ \$50 ea.	\$ 800	\$ 800	\$
1 Assistant Sergeant at Arms	30		30
1 Page	15		15
Contingencies	100		100
Total—1 meeting	\$945	\$ 800	\$ 145

CONSTITUTIONAL CONVENTION, 1973

Projected Estimated Expenses by Months
January 5, 1973 through December 31, 1973

To be used only as a point of departure for establishing
a final draft of a budget

Estimated Expenses

Salaries		
Chairman—Henry		
Chief Clerk—Poynter		
Assistant Clerks	12,000	
Research Director	22,000	
Assistant Research Directors		
14 @ \$1,000 a month each	154,000	
Clerical		
20 @ \$500 month each	110,000	
Accountant	11,000	
Contingencies	22,000	
Attorney—Specialist in Federal Constitution	24,000	
Total Salaries		\$355,000
Staff Retirement and/or Social Security		35,500
Staff Travel Allowance		11,000

Meetings

Executive Committee @ \$1,295 each	67,340	
Substantive Committees @ \$945 each	370,440	
Procedural Committees @ \$945 each	257,040	
Convention @ \$8,245 each	659,600	
Interim Committees @ \$945 each	45,360	
Total Meetings		\$1,399,780

Delegates travel Allowance 132 @ \$100	158,400
Delegates Retirement and/or Social Security 6%	83,960
Public Information	40,000
Committee T.V. Rental	10,000
Office Equipment Rental	22,500
Stationery, printing, & office supplies	22,500
Daily journal	95,000
Electronic voting system	
Contingencies	25,000
Total Estimated Expenses	\$2,293,640

Total Expenses Year to Date

Estimated Number of Committee Meetings

Executive Committee	52
Substantive Committees	392
Procedural Committees	272
Convention	80
Interim Committees	48

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8th Days Proceedings—January 30, 1973

CONSTITUTIONAL CONVENTION, 1973

Projected Estimated Expenses by Month
January 5, 1973 through December 31, 1973
(To be used only as a point of departure for establishing a final draft of a budget)

Estimated Expenses	January	February	March	April	May	June	July	August	September	October	November	December
Salaries												
Chairman—Henry	\$ —	—	—	—	—	—	—	—	—	—	—	—
Chief Clerk—Poynter	—	—	—	—	—	—	—	—	—	—	—	—
Assistant Clerks	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Research Director	—	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Assistant Research Directors—14 @ \$1,000.00/mo. ea.	—	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00	14,000.00
Clerical—20 @ \$500.00/mo. ea.	—	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Accountants	—	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Contingencies	—	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Attorney—Specialist in Federal Constitution	—	—	—	—	—	—	—	—	—	—	—	—
TOTAL SALARIES	\$ 1,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$33,000.00	\$33,000.00	\$33,000.00	\$33,000.00	\$33,000.00	\$33,000.00
Staff Retirement and/or Social Security	\$ 100.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00	\$ 3,300.00
Staff Travel Allowance	—	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Meetings												
Executive Committee @ \$1295.00 ea.	5,180.00	7,770.00	7,770.00	7,770.00	7,770.00	7,770.00	3,885.00	3,885.00	3,885.00	3,885.00	3,885.00	3,885.00
Substantive Committees @ \$945.00 ea.	7,560.00	45,360.00	45,360.00	45,360.00	45,360.00	45,360.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00
Procedural Committees @ \$945.00 ea.	7,560.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00	22,680.00
Convention @ \$3,245.00 ea.	65,960.00	—	—	—	—	—	98,940.00	98,940.00	98,940.00	98,940.00	98,940.00	98,940.00
Interim Committees @ \$945.00 ea.	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00	3,780.00
TOTAL MEETINGS	\$90,040.00	\$79,590.00	\$79,590.00	\$79,590.00	\$79,590.00	\$79,590.00	\$151,965.00	\$151,965.00	\$151,965.00	\$151,965.00	\$151,965.00	\$151,965.00
Delegates Travel Allowance	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00	13,200.00
Delegates Retirement and/or Social Security	5,402.00	4,770.00	4,770.00	4,770.00	4,770.00	4,770.00	9,118.00	9,118.00	9,118.00	9,118.00	9,118.00	9,118.00
Public Information	—	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Committee I.V. Rental	—	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	—	—	—	—	—	—
Office Equipment Rental	500.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Stationery, Printing & Office Supplies	500.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Daily Journal	8,000.00	—	—	—	—	—	12,000.00	12,000.00	12,000.00	12,000.00	12,000.00	12,000.00
Electronic Voting System	—	—	—	—	—	—	—	—	—	—	—	—
Contingencies	20,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
TOTAL ESTIMATED EXPENSES	\$138,742.00	\$143,560.00	\$143,560.00	\$143,560.00	\$146,860.00	\$146,860.00	\$233,583.00	\$233,583.00	\$233,583.00	\$237,583.00	\$240,583.00	\$247,583.00
TOTAL EXPENSE YEAR TO DATE	\$138,742.00	\$282,302.00	\$425,862.00	\$569,422.00	\$716,282.00	\$863,142.00	\$1,096,725.00	\$1,330,308.00	\$1,567,891.00	\$1,805,474.00	\$2,046,057.00	\$2,293,640.00
Estimated Number of Committee Meetings by months:												
Executive Committee	4	6	6	6	6	6	3	3	3	3	3	3
Substantive Committees	8	48	48	48	48	48	24	24	24	24	24	24
Procedural Committees	8	24	24	24	24	24	24	24	24	24	24	24
Convention	8	0	0	0	0	0	12	12	12	12	12	12
Interim Committees	4	4	4	4	4	4	4	4	4	4	4	4

CONSTITUTIONAL CONVENTION, 1973

Notes to Projected Estimated Expenses

1. Per diem based upon 100% attendance.
2. Includes arbitrary contingency figures.
3. Assumed that verbatim transcripts can be handled by regular clerical staff. Illinois budgeted \$10,000.00 for this purpose but expended \$61,815.00. Michigan expended \$85,000.00 for a verbatim record.
4. Does not include an amount for electronic voting equipment. The 1961-62 Michigan Constitutional Convention experienced a cost of \$25,000.00 for electronic voting equipment.
5. Does not include an amount for postage for general convention business or any allowance for postage for committees or delegates. Illinois allowed each delegate a postage allowance of \$120.00. Such an arrangement in CC/73 would amount to \$15,840.00.
6. Does not include an amount for operation and use of microphones, sound equipment and recording equipment or the cost of supplies in connection therewith.
7. Does not include an amount for a referendum election which is estimated to cost approximately \$1,100,000.00. This is considered a decision of the Executive Department and not subject to budgeting by CC/73.
8. An amount of \$1,000.00 to publish the daily journal of each Convention meeting has been budgeted. Michigan expended \$101,905.00 for printing their journal.
9. No provision has been made for telephone toll calls.
10. The number of meetings will have a profound effect by either increasing or decreasing the cost of CC/73.
11. Does not include the value of goods or services contributed or to be contributed by other governmental departments of the State of Louisiana.
12. A full month's salary for all staff members has been budgeted for the month of February, 1973 but at this date it seems apparent that the majority of the staff will not commence work until sometime after February 1, 1973.

COMPARISON OF PROJECTED ESTIMATED EXPENSES
AS PROBABLY CONTEMPLATED BY THE
1972 LOUISIANA LEGISLATURE AND
CONSTITUTIONAL CONVENTION, 1973

January 5, 1973 through May 31, 1973

Item:	Expenses as Probably contemplated by:		CC-73 Projected Estimated Expenses
	'72 Legis.	C/C '73	Over
Staff Salaries	\$124,000	\$124,000	\$
Staff Retirement and/or Social Security	12,400	12,400	
Staff Travel Allowances	4,000	4,000	
Delegate Meetings	143,800	408,400	264,600
Delegate Travel Allowance		66,000	66,000
Delegate Retirement and/or Social Security	7,272	24,482	17,210
Public Information		4,000	4,000
Committee Television Rental		8,000	8,000
Office Equipment Rental	8,500	8,500	
Stationery, Printing and Office Supplies	8,500	8,500	
Daily Journal	8,000	8,000	
Electronic Voting System			
Contingencies	33,228	40,000	6,772
TOTALS	\$350,000	\$716,282	\$366,282

Summary of Committee Meetings probably not contemplated
by the 1972 Louisiana Legislature:

Month	Substantive Committees	Procedural Committees	Interim Committees	Total
February	\$ 45,360	\$ 17,010	\$ 3,780	\$ 66,150
March	45,360	17,010	3,780	66,150
April	45,360	17,010	3,780	66,150
May	45,360	17,010	3,780	66,150
Totals	\$181,440	\$ 68,040	\$ 15,120	\$264,600

Summary of Committee Meetings probably Contemplated by
the 1972 Louisiana Legislature:

Month	Con- vention	Execu- tive Com- mittee	Substan- tive Com- mittee	Proce- dual Com- mittee	In- terim Com- mittee	Total
January	\$65,960	\$ 5,180	\$ 7,560	\$ 7,560	\$ 3,780	\$ 90,040
February		7,770		5,670		13,440
March		7,770		5,670		13,440
April		7,770		5,670		13,440
May		7,770		5,670		13,440
Totals	\$65,960	\$36,260	\$ 7,560	\$30,240	\$ 3,780	\$143,800

Note: Constitutional Convention, 1973 should consider dis-
bursing funds in accordance with the manner in which
the 1972 Louisiana Legislature probably contemplated
expenses would occur.

CONSTITUTIONAL CONVENTION, 1973

Reconciliation of Estimated Expenses to Date to
Projected Estimated Expenses

For the Month of January, 1973

	Amount Projected Estimated Expenses is over Estimated Expenses to Date	TOTALS
Assistant Clerk	\$1,000.00	
Staff retirement and/or social security	100.00	
Meetings		
Per estimated expenses— budget	\$90,040.00	
Per estimated cost—to date	55,575.00	
Difference	\$34,465.00	
Delegates travel allowance	13,200.00	
Delegates retirement and/or social security	5,402.00	
Office equipment rental	500.00	
Stationery, printing, & office supplies	122.00	
Daily journal	8,000.00	
Contingencies—GSRI	432.00	
Total		\$ 63,221.00
Estimated expenses to date		75,521.00
Total per projected estimated expenses		\$138,742.00

Leave of Absence

Gauthier—1 day.
Colten—½ day.

Adjournment

Delegate Kilpatrick moved that the Convention do now ad-
journ until Wednesday, January 31, 1973 at 9:30 o'clock, a.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned
to Wednesday, January 31, 1973 at 9:30 o'clock, a.m.

Prepared in accordance with the tran-
script and records of the Convention.

Resolutions introduced on this day have
been numbered by the Secretary in accord-
ance with the order of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, January 31, 1973, Baton Rouge La.

The Convention was called to order at 9:30 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Planchard
Abraham	Fulco	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginn	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Robinson
Armentor	Guarisco	Roemer
Arnette	Guidry	Roy
Asseff	Hardee	Sandoz
Avant	Hayes	Schmitt
Badeaux	Haynes	Segura
Bel	Hernandez	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Colten	Landry, E. J.	Taylor
Conino	Lanier	Thistlethwaite
Conroy	LeBleu	Thompson
Corne	LeBreton	Tobias
Cowen	Leigh	Toca
De Blieux	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
Dennery	Lowe	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberret	Vick
Deshotels	Miller	Warren
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Nunez	Winchester
Edwards	O'Neill	Wisham
Elkins	Ourso	Womack
Fayard	Perez	Zervigon
Flory	Perkins	
Total—125.		

ABSENT

Delegates—		
Brown	McDaniel	Wall
Fowler	Newton	
Gauthier	Triche	
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Toomy led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Leithman, the reading of the
Journal was dispensed with.

Morning Hour

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolu-
tions on second reading to be referred to Committees were
taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 18—

Introduced by Delegate Dennis:

A RESOLUTION

To create and establish a composite committee to hold
public hearings with respect to matters with which the
Louisiana Constitutional Convention of 1973 is con-
cerned

WHEREAS, a state constitution as any constitution repre-
sents the most basic legal foundation of a people out of which
all order and harmony originates; and

WHEREAS, a constitution, being a document of the people,
must as closely as possible reflect the thoughts and ideas of
its people if it is to be flexible and viable; and

WHEREAS, in order to ensure that the work of this
Convention be a document of and for all the citizens of this
state an appropriate number of public hearings should be
held at which public views on particular vital issues might
be determined; and

WHEREAS, such public hearings would provide a forum
through which the sagest decisions on constitutional matters
might be arrived at by the delegates to the Convention; and

WHEREAS, public hearings would also provide the public
with a closer view of the progress of the Convention and a
more intimate contact with the making of decisions by the
delegates.

THEREFORE, BE IT RESOLVED that this Constitutional
Convention does hereby authorize its Executive Committee
to appoint one member from each of the substantive and
procedural committees of this Convention to serve as a
composite committee which shall hold public hearings on
matters with which the Convention is concerned.

BE IT FURTHER RESOLVED that the Executive Com-
mittee shall determine the time, place and dates for meet-
ings of the composite committee herein authorized.

Read.

On motion of Delegate Dennis, the Rules were suspended
for the purpose of considering the adoption of the Resolu-
tion at this time.

On motion of Delegate Dennis the Resolution was adopted.

Recess

The Convention recessed at this time for the purpose of
allowing the substantives committees of the Convention to
organize and elect officers as provided by the Rules of the
Convention.

After Recess

Upon a call of the House, the Chair announced there was a
quorum present.

The following Committees reported the election of the
following named delegates as officers of said committees:

COMMITTEE ON BILL OF RIGHTS AND ELECTIONS

Delegate Jackson—Chairman
Delegate Dunlap—First Vice-Chairman
Delegate Guarisco—Second Vice-Chairman

9th Days Proceedings—January 31, 1973

COMMITTEE ON EDUCATION AND WELFARE

Delegate Aertker—Chairman
Delegate Rachal—Vice-Chairman
Delegate Sutherland—Secretary

COMMITTEE ON THE EXECUTIVE DEPARTMENT

Delegate Stagg—Chairman
Delegate Tapper—Vice-Chairman
Delegate Brien—Secretary

COMMITTEE ON THE JUDICIARY

Delegate Dennis—Chairman
Delegate A. Landry—Vice-Chairman
Delegate Bergeron—Secretary

COMMITTEE ON LEGISLATIVE POWERS AND FUNCTIONS

Delegate Blair—Chairman
Delegate Fayard—Vice-Chairman
Delegate O'Neill—Secretary

COMMITTEE ON LOCAL AND PAROCHIAL GOVERNMENT

Delegate Perez—Chairman
Delegate Burson—Vice-Chairman
Delegate Reeves—Vice-Chairman
Delegate Conino—Vice-Chairman
Delegate J. Jackson—Vice-Chairman
Delegate Kean—Secretary

COMMITTEE ON NATURAL RESOURCES

Delegate Lambert—Chairman
Delegate Munson—Vice-Chairman
Delegate Singletary—Secretary

COMMITTEE ON REVENUE, FINANCE AND TAXATION

Delegate Rayburn—Chairman
Delegate Edwards—Vice-Chairman
Delegate Roemer—Secretary

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

**Introduction of Resolutions
Delegate and Committee Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 2—

Introduced by Delegate Stovall on behalf of the Committee on Rules, Credentials and Ethics:

RULES COMMITTEE RESOLUTION

Before lobbying for defeat or passage of proposals before the Convention, its committees, sub-committees or delegates, a lobbyist shall submit a registration statement setting forth his or her name and address, the name and address of the person or entity by whom the lobbyist is employed and the name and address of the person or entity whose interest the lobbyist represents.

A lobbyist is any person who is the representative for compensation of any person, or any partnership, committee, association, corporation or other organization to advocate passage or defeat of proposals of the convention, its committees, sub-committees or delegates.

This rule shall not apply to public officials advocating matters directly affecting their office or the bodies they represent. However, this rule shall apply to public officials when they are not acting within this capacity.

Registration of lobbyists shall be by oath or affirmation before an officer authorized by the convention to administer

oaths, or before the chairman of any committee or sub-committee.

Whenever there occurs a change in the facts stated in the registration statement, the lobbyist shall file a revised statement. The Secretary of the Convention shall maintain for inspection by the public and by the delegates of this Convention, a list of all lobbyist and their affiliations.

Any person who has commenced the activities of a lobbyist without prior registration as herein required shall, upon resolution of a delegate, the committees or sub-committees of the Convention, be denied the privilege of addressing that representative delegate, committee or sub-committee. Any lobbyist who has falsified his or her registration statement shall be reported to the Executive Committee, and upon resolution of that committee, referred to an appropriate law enforcement officer or other action.

Read.

On motion of Delegate Stovall the Rules were suspended for the purpose of considering the adoption of the Resolution at this time.

On motion of Delegate Stovall the Resolution was withdrawn from the files of the Convention.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 31, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

DELEGATE RESOLUTION No. 3—

By Messrs. Juneau and Fayard:

A RESOLUTION

Mr. Chairman, we move that the Convention adopt the following resolution:

BE IT RESOLVED that a Temporary Committee on Rules and Resolutions be established for the purpose of preparing a proposed set of rules to be submitted to the Convention for its consideration.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions be composed of 17 members, two from each of the eight Congressional Districts and one member to be elected by the Convention delegates as a whole who shall serve as Chairman of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the election of the Chairman of the Temporary Committee on Rules and Resolutions be held as the next order of business of this Convention.

BE IT FURTHER RESOLVED that immediately after the election of the Chairman of the Temporary Committee on Rules and Resolutions, the Convention shall recess for a period of one (1) hour during which time the delegate from each of the Eight (8) Congressional Districts shall caucus and elect from their group two (2) delegates who shall serve on the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that upon the expiration of the one (1) hour recess the Temporary Chairman shall reconvene the Convention to announce the names of the members of the Temporary Committee on Rules and Resolutions.

BE IT FURTHER RESOLVED that the Temporary Committee on Rules and Resolutions will prepare a proposed set of rules and shall mail a copy of said rules to all delegates no later than 12:00 a.m. on January 10, 1973.

BE IT FURTHER RESOLVED that the Convention reconvene on January 15, 1973 at 10:00 a.m. and that the Temporary Committee on Rules and Resolutions submit its proposed rules to the Convention at that time for consideration.

We further move that this resolution be made a permanent part of the record of this Convention and that a roll-call vote be taken and recorded.

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DELEGATE RESOLUTION No. 4—

Introduced by Delegates Velazquez and Schmitt:

A MEMORIAL RESOLUTION

WHEREAS, a tragedy has taken place in New Orleans, La., the effects, which have gone beyond that City—affecting the State and the Nation.

WHEREAS, all the people of Louisiana black as well as white deplore this senseless action.

WHEREAS, this convention is meeting to write a constitution which will guarantee the civil rights of all its citizens under the rule of law.

WHEREAS, to maintain civilization and order, the individual policeman remains our first line of defense.

BE IT RESOLVED, that the Louisiana Constitutional Convention publicly deplores the above mentioned incident.

BE IT FURTHER RESOLVED, that as its first order of business, before considering the Rules, we will stand for a minute of silence in memory of

Deputy Police Superintendent Louis Sirgo

Patrolman Phil Coleman

Cadet Albert Harrell

BE IT FURTHER RESOLVED that the Louisiana Constitutional Convention endorses the Tragedy Fund, which is a legitimate fund raising activity composed of a broad spectrum of citizens of all races and faiths and crossing organizational lines, intended to raise funds for the families of the deceased. Which Fund has been endorsed by Mayor Moon Landrieu, Mayor of New Orleans.

The co-authors of this memorial are delegates:

Thomas A. Velazquez, Dist. 97

Joseph I. Giarrusso, Sr., Dist. 98

And,

DELEGATE RESOLUTION No. 5—

Introduced by Delegate Abraham:

A RESOLUTION

BE IT RESOLVED that the delegates to the Louisiana Constitutional Convention do hereby re-enact, re-affirm and adopt as their own and as the Act of the Convention, every act taken at the meeting of elected delegates held on January 5, 1973, including but not limited to the roll call of delegates, the swearing of delegates and all other acts taken by said delegates as members of the Louisiana Constitutional Convention from that time to the present.

DELEGATE RESOLUTION No. 6—

Introduced by Delegate Weiss:

A RESOLUTION

Relative to the use of existing Louisiana Hospital Television Network Facilities by the Louisiana Constitutional Convention of 1973, acting through its committees.

WHEREAS, it is of vital importance to the success of the work of this convention that its committees have the benefit of the knowledge, wisdom and opinion of all of the citizens of Louisiana and that methods be evolved which permit ease of access to such persons regardless of their place of residence within the state; and

WHEREAS, in addition to the public meetings which the various committees will hold within and without the city of Baton Rouge at which interested citizens and those having specialized knowledge will appear, it is anticipated that additional need for consultation and hearings will develop during the course of committee study and deliberation which will require contact with individuals and groups of individuals in various areas of the state; and

WHEREAS, the existing closed circuit television facilities of the Louisiana Hospital Television Network can be of inestimable value to this convention and its committees, and hence to the people of the state of Louisiana, in providing a means of communication between the members of any committee and persons or groups residing in other areas in or near the state owned and operated hospitals which form a part of said hospital television network; and

WHEREAS, Section 5(F) of Act No. 2 of the 1972 Regular

Session of the Legislature authorizes this convention "to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state" and provides that "all such agencies shall cooperate with the convention to the fullest extent in furnishing services, facilities and employees upon request," and it is desirable that action be taken to provide for the use of the facilities of the above referred to television network and, to the extent feasible and necessary, those of the Louisiana Educational Television Authority.

THEREFORE, BE IT RESOLVED that, in the interest of expediency and in order to provide a useful facility for the development of data and information and for the review of specific progress in the preparation of assigned categories of its work, this Constitutional Convention does hereby make its formal request to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration and the head of the Division of Hospitals of said Administration and such other division heads as may be applicable, that the existing facilities of the Louisiana Hospital Television Network be made available to this convention and to the committees of this convention during the course of the deliberations in connection with the framing of a new constitution for the state of Louisiana, as provided by Act No. 2 of the Regular Session of 1972, according to such schedule, which shall not conflict with the regular closed circuit programming of said network, as shall be developed and determined by the convention, acting through the respective chairmen of its committees and the appropriate officials or personnel of said Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that such existing closed circuit television facilities shall be made available only when not in use for the purposes for which they are operated and on an hourly cost basis for line charges and personnel time which shall be determined by the Executive Committee of this Constitutional Convention and, further, that such facilities shall be made available only upon request by the respective committee chairmen made prior to the date on which such use is required and then only for necessary discussions relative to the work assigned to the committee making the request and in no case for general discussion meetings which would demand more time than use of lines by all committees requesting such services would permit, consistent with the regular usage of the facilities of the Louisiana Hospital Television Network.

BE IT FURTHER RESOLVED that the Louisiana Educational Television Authority is hereby requested to cooperate with the Louisiana Hospital Television Network officials to the full extent deemed necessary and desirable in order to assure that closed circuit television facilities are made available to this Constitutional Convention and its committees as herein set forth.

BE IT FURTHER RESOLVED that copies of this Resolution shall be transmitted by the Secretary of the Constitutional Convention to the Commissioner of the Louisiana Health and Social and Rehabilitation Services Administration, to the head of the Division of Hospitals of said Administration, to the head of the Louisiana Educational Television Authority and to any other person to whom applicable without delay.

DELEGATE RESOLUTION No. 8—

Introduced by Delegates Roy, Gauthier and Dennis and All members of the Constitutional Convention of 1973:

A RESOLUTION

WHEREAS, pursuant to Act 2 of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

WHEREAS, the Honorable Walter B. Hamlin, Chief Justice of the Supreme Court of Louisiana was, by said Act, designated as the temporary chairman of said Convention; and

WHEREAS, Chief Justice Hamlin immediately and conscientiously initiated procedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Chief Justice Hamlin devoted many hours of study and preparation for this historic undertaking; and

WHEREAS, his new duties as Chief Justice of the Louisiana Supreme Court and as Chief Administrative Officer of the Judiciary of the State of Louisiana compelled him to have someone designated in his stead,

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express

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their deep and sincere appreciation to Chief Justice Hamlin for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be enrolled and made part of the minutes of this Convention and a copy suitably framed and presented to Chief Justice Hamlin.

DELEGATE RESOLUTION No. 10—

Introduced by Delegate Asseff:

A RESOLUTION

To urge public and private employers in Louisiana to give preference in their employment practices to disabled veterans.

WHEREAS, there are many disabled veterans which has resulted from their defense of their country in various areas of the world, and

WHEREAS, this country owes a profound debt of gratitude especially to its disabled veterans for their performance of their duty at great personal sacrifice, and

WHEREAS, it is the duty of all of our citizens to repay these veterans and not penalize them for their acts of bravery and patriotism for their country, and

WHEREAS, the Louisiana Constitutional Convention is deeply concerned about the welfare of our disabled veterans who gave so much in behalf of their country and deserve the best that we can offer for their great sacrifice for us and for mankind.

THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention convened in Baton Rouge on January 16, 1973, that the Convention expresses its gratitude to our disabled veterans and urges public and private employers to give preference to disabled veterans in their employment practices.

DELEGATE RESOLUTION No. 11—

Introduced by Delegate Avant:

A RESOLUTION

BE IT RESOLVED that no resolution, memorial or petition be in order unless it is germane to the business of this Convention as such.

DELEGATE RESOLUTION No. 12—

Introduced by Delegate Shannon:

A RESOLUTION

To commend and express the appreciation of this convention to all persons, groups and organizations for assistance during the organizational period of the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the convention and all of its members do hereby express to all those individuals, groups and organizations, public and private, who have generously assisted this convention and its individual members during the course of its organizational period its sincere appreciation for such services.

BE IT FURTHER RESOLVED that all such persons, groups and organizations are highly commended for the diligence and dedication exhibited in their efforts in behalf of this Constitutional Convention.

DELEGATE RESOLUTION No. 13—

Introduced by Delegate Guarisco:

A RESOLUTION

To direct the Chairman and the Executive Committee of the 1973 Constitutional Convention to furnish each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any office held by a delegate.

WHEREAS, it will be necessary for the delegate to correspond with persons in the interest of forming a new Constitution; and

WHEREAS, no official stationery exists for the delegates; and

WHEREAS, it is of much importance that the delegates do have official stationery so that they will be recognized

throughout the state when corresponding with various persons and officials.

THEREFORE, BE IT RESOLVED by the delegates to the 1973 Constitutional Convention of Louisiana that the Chairman and Executive Committee of Convention are hereby directed to provide each delegate with stationery under the Convention letterhead containing the delegate's name and committee assignment and any Convention office held by a delegate.

DELEGATE RESOLUTION No. 14—

Introduced by Delegates Arnette, Sutherland and all delegates to the Constitutional Convention of 1973:

A RESOLUTION

WHEREAS, pursuant to Act 2, of 1972, the Constitutional Convention for 1973 convened on January 5, 1973; and

WHEREAS, the Honorable Joseph W. Sanders, Justice of the Supreme Court of Louisiana was, by the Supreme Court, designated as the temporary chairman of said Convention; and

WHEREAS, Justice Sanders immediately and conscientiously initiated procedures for the orderly commencement of the Constitutional Convention; and

WHEREAS, Justice Sanders devoted many hours of study and preparation for this historic undertaking; and

WHEREAS, Justice Sanders did perform the duties of temporary chairman in an exemplary manner.

NOW, THEREFORE BE IT RESOLVED that the delegates to the Constitutional Convention of 1973, individually and on behalf of their respective districts do hereby express their deep and sincere appreciation to Justice Sanders for his interest and leadership in the formation of the Convention and for his continued interest heretofore expressed in the confection of a new Constitution for the State of Louisiana.

BE IT FURTHER RESOLVED that this Resolution be enrolled and made part of the minutes of this Convention and a copy suitably framed and presented to Justice Sanders.

DELEGATE RESOLUTION No. 15—

Introduced by Delegate Dennis:

A RESOLUTION

To provide with respect to the functioning of the committees of the Constitutional Convention of 1973.

BE IT RESOLVED, that the substantive, procedural and other committees now created or otherwise created in accordance with the Standing Rules of the Convention are hereby authorized and directed to commence immediately the performance of their functions and duties, and to expend funds of the Convention in furtherance thereof under the administration of the Executive Committee, all in accordance with the Standing Rules of the Convention.

BE IT FURTHER RESOLVED, that the Executive Committee is hereby authorized and directed to commence immediately the performance of its duties and functions including that of budgeting and approving the expenditure of convention funds by itself and all other committees of the Convention, in accordance with Act 2 of 1972 and the Standing Rules of the Convention.

DELEGATE RESOLUTION No. 16—

Introduced by Delegate Casey and All members of the Convention:

A RESOLUTION

To commend and express the appreciation of the Convention to the Honorable Wade O. Martin, Jr., Secretary of State, for his valuable contributions to the Louisiana Constitutional Convention of 1973.

WHEREAS, Mr. Martin was instrumental in the endeavors to bring about this Convention; and

WHEREAS, even before the first meeting of the delegates, Mr. Martin and his staff were hard at work taking applications for staff positions for the Convention; and

WHEREAS, the Secretary of State attended the first Convention meeting and called the roll of delegates and announced the votes on various measures for the Convention; and

WHEREAS, Mr. Martin has offered his personal assistance and the assistance of his staff to aid the delegates in preparing a new constitution for the people of this state; and

WHEREAS, the delegates of this Convention sincerely

appreciate his untiring efforts to help the people of this state of Louisiana.

THEREFORE, BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that its members do hereby express its sincere appreciation to the Honorable Wade O. Martin, Jr., Secretary of State, for his diligent efforts in receiving applications and providing for a temporary staff for this Convention, his participation in the opening session of this body and the many other valuable services which he has performed in behalf of this Convention.

BE IT FURTHER RESOLVED that the various members of Secretary of State Martin's staff who worked in behalf of this Convention are hereby commended for their contributions toward a successful organizational session of the Louisiana Constitutional Convention of 1973.

BE IT FURTHER RESOLVED that this Resolution be enrolled and made part of the minutes of this Convention and a copy suitably framed and presented to the Honorable Wade O. Martin, Jr., Secretary of State.

DELEGATE RESOLUTION No. 17—

Introduced by Delegates Abraham, Brien, Champagne, Chatelain, Conroy, Derbes, J. Jackson, Juneau, Landrum, Lanier, Miller, Newton, O'Neill, Reeves, Taylor, Tobias, Triche, Weiss and Zervigon:

A RESOLUTION

WHEREAS, it is the desire of all delegates to the Constitutional Convention of 1973 that all Citizens of the State of Louisiana participate in the drafting of a new Constitution for the State of Louisiana; and

WHEREAS, the participation and support of all Citizens of the State of Louisiana is necessary and desirable in all stages of the drafting and ratification of a new Constitution for the State of Louisiana,

NOW, THEREFORE BE IT RESOLVED that the delegates of the Constitutional Convention of 1973, individually and jointly, request that each Citizen of the State of Louisiana communicate with any or all delegates to the Constitutional Convention of 1973 advising what he, she or they think a new Constitution for the State of Louisiana should provide.

BE IT FURTHER RESOLVED that each Citizen of the State of Louisiana is extended an invitation by the delegates of the Constitutional Convention of 1973 to testify, either in writing or orally, before any appropriate Committee of the Constitutional Convention of 1973 regarding what he, she or they think a new Constitution for the state of Louisiana should provide.

DELEGATE RESOLUTION No. 18—

Introduced by Delegate Dennis:

A RESOLUTION

To create and establish a composite committee to hold public hearings with respect to matters with which the Louisiana Constitutional Convention of 1973 is concerned.

WHEREAS, a state constitution as any constitution represents the most basic legal foundation of a people out of which all order and harmony originates; and

WHEREAS, a constitution, being a document of the people, must as closely as possible reflect the thoughts and ideas of its people if it is to be flexible and viable; and

WHEREAS, in order to ensure that the work of this Convention be a document of and for all the citizens of this state an appropriate number of public hearings should be held at which public views on particular vital issues might be determined; and

WHEREAS, such public hearings would provide a forum through which the sagest decisions on constitutional matters might be arrived at by the delegates to the Convention; and

WHEREAS, public hearings would also provide the public with a closer view of the progress of the Convention and a more intimate contact with the making of decisions by the delegates.

THEREFORE, BE IT RESOLVED that this Constitutional Convention does hereby authorize its Executive Committee to appoint one member from each of the substantive and procedural committee of this Convention to serve as a

composite committee which shall hold public hearings on matters with which the Convention is concerned.

BE IT FURTHER RESOLVED that the Executive Committee shall determine the time, place and dates for meetings of the composite committee herein authorized.

DELEGATE RESOLUTION No. 19—

Introduced by Delegate Dennery:

A RESOLUTION

To authorize the Executive Committee of the Louisiana Constitutional Convention to utilize the Division of Administration in purchasing and procuring supplies, equipment and printing for the convention and to provide that the provisions of law relative to the letting of public contracts shall be applicable to the purchase or procurement of supplies, equipment or printing by the convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the Executive Committee of the Constitutional Convention is hereby authorized to utilize the personnel and the bidding, purchasing and procurement procedures and services of the Division of Administration in the purchase or procurement of supplies, equipment and printing for the Constitutional Convention.

BE IT FURTHER RESOLVED that the provisions of Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950, relative to the letting of public contracts, shall be applicable to the purchase or procurement of supplies, equipment or printing by the Louisiana Constitutional Convention and that the Executive Committee of the convention shall, and is hereby directed to, comply with such provisions of law in making such purchases or procuring such items for the convention.

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

January 31, 1973, Baton Rouge La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention has been properly enrolled in final form:

COMMITTEE RESOLUTION No. 1—

By Delegate Stag on Behalf of the Temporary Committee on Rules:

A RESOLUTION

To provide for the standing rules of the Constitutional Convention.

BE IT RESOLVED by the Louisiana Constitutional Convention of 1973 that the following be adopted as the standing rules of the Convention until otherwise amended or rescinded as herein provided:

CHAPTER 1

General Provisions Quorum and Majority

Rule No. 1. **Call to Order.** The Convention shall convene at such time as ordered on the preceding working day by a majority of the delegates and the chairman shall call the Convention to order at that time. If a quorum is in attendance, the Chairman shall cause the Journal of the preceding day to be read unless otherwise ordered by the Convention, to the end that any mistake may be corrected.

Rule No. 2. **Quorum.** Sixty-seven delegates to the Convention shall constitute a quorum for the transaction of business.

Rule No. 3. **Roll Call.** The secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum is present. He shall announce the names of the delegates absent with leave of the Convention and the names of delegates absent without leave, and enter the names of all absentees upon the Journal. If a voting

machine is provided, the machine shall be used whenever a roll call or a vote by yeas and nays is directed by or in accordance with these rules.

Rule No. 4. Quorum Calls. A quorum call may be demanded by any delegate during any session of the Convention. When, upon such call, it is found that less than a quorum is present the chairman shall order the doors of the Convention closed and direct the secretary to call the roll of the Convention and to note the names of the absentees. After such roll call the names of the absentees shall again be called and those for whose absence no excuse, or an insufficient excuse, is made, may, by order of a majority of delegates present, be sent for and taken into custody by the Sergeant-at-Arms or by his assistants appointed for the purpose, and brought to the floor of the Convention.

Rule No. 5. Absence from Convention Service. No delegate shall absent himself from the service of the Convention while in session without obtaining leave of the Convention. Leave for absence from a daily session may be obtained from the chairman as provided in Rule 34.

Rule No. 6 Absent Delegates. At any time the Convention is in session, whether upon first convening of the day's session or at any time after the hour has arrived to which the Convention stood adjourned, the chairman is authorized to send the Sergeant-at-Arms for any or all absent delegates as the majority of such delegates present shall agree.

Rule No. 7. Expense of Compelling Attendance. Any expenses involved in compelling the presence of an absent delegate shall be borne by such delegate, unless such excuse of non-attendance has been made as a majority of a quorum shall judge sufficient, in which case the expense shall be paid out of the appropriated funds to the Convention.

Admission to Floor

Rule No. 8. Persons Admitted. No person shall be admitted on the Convention floor while the Convention is in session or during the period five minutes before the time set for the convening of each session or the period five minutes after the adjournment of each session, except that delegates and members of the Convention staff may remain on the floor. Representatives of the news media shall be admitted to the floor as provided in Rule 11. Written messages may be delivered to the delegates by a sergeant-at-arms from persons outside the restricted area. The Convention floor, for purposes of these rules, is defined as the entire enclosed seating area of the delegates.

Rule No. 9. Restrictions on the Convention Floor. One chair shall be allowed each delegate on the Convention floor and no other chairs shall be permitted in this section.

Rule No. 10. Special Permission. Special permission to sit on the Convention floor may be granted by the chairman of the Convention to visiting officials of other states or of the United States or of foreign countries.

Rule No. 11. News Media. A designated place in the Convention Hall shall be provided for the news media, who shall have free access thereto. Accreditation of members of the press and of members of any news media for admission shall be administered by the Chairman. No member of the press or of any news media shall conduct any interview with a delegate on the Convention floor while the Convention is in session.

Rule No. 12. Administration of Rules. The Chairman of the Convention shall provide for the administration of the rules governing admission to the Convention as provided herein.

Rule No. 13. Regulation of Convention Area. The Chairman shall have the regulation and control of such parts of the Convention Hall and its passage or any other places of general assembly as are or may be set apart for the use of the Convention, its officers and employees.

Rule No. 14. Restrictions on Non-Delegates. No motion shall be deemed in order, except a motion to suspend the rules or a motion to go into the Committee of the Whole, to admit any person not a delegate to the Convention floor to present any petition, memorial or address, or to read same, except in the Committee of the Whole as may be provided by the Convention in accordance with Rule No. 65.

Rule No. 15. Open Meetings. All meetings of the Convention shall be open to the public and the news media.

CHAPTER 2 Officers, Employees, and Duties Officers

Rule No. 16. Convention Officers. The officers of the Convention shall be a Chairman, who shall be Chairman of the Convention, a First Vice-Chairman, three Vice-Chairmen, a Secretary, and a Treasurer. There shall be an Executive Committee which shall be composed of the officers of the Convention and sixteen delegates, with two delegates to be elected from each congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate congressional caucuses. The Chairman of the Convention shall serve as Chairman of the Executive Committee. No member of the Executive Committee, other than the Chairman of the Convention shall serve on the Committee on Committees nor shall the Executive Committee serve as the Committee on Committees. The officers of the Convention shall be delegates to the Convention and shall each be elected in separate elections by a majority vote of all the delegates of the Convention.

Employees

Rule No. 17. Convention Employees.

A. A Chief Clerk and a Sergeant-at-Arms shall be employed by the Chairman of the Convention subject to the approval of a majority vote of the entire Convention; they shall not be delegates to the Convention.

B. All other employees, necessary to aid the Convention, shall be employed by the Executive Committee of the Convention in accordance with Act 2 of the 1972 Regular Session.

Executive Committee

Rule No. 18. Duties. The Executive Committee shall:

A. Employ a research director, research assistants, secretarial and/or clerical personnel and such other employees as it deems necessary, in accordance with provisions of Act 2 of the 1972 Regular Session. The Executive Committee shall be a committee on administration, which shall consider research materials and personnel, convention budget and finance and other administrative details, facilities and physical arrangements for the Convention, for committee hearings and for the staff, outside grants and assistance to the Convention, purchases and rental of equipment, supplies and services, printing and related matters.

B. Assist the Chairman of the Convention in the assignment of delegates to their seats.

C. Serve as the executive board of the Convention in all matters requiring official sanction.

D. Assist the Chairman of the Convention in his capacity as supervisor of the research staff of the Convention.

E. Any other provision in these rules to the contrary notwithstanding the Executive Committee may, when performing the duties assigned it in this rule, with respect to personnel matters, meet in Executive Session but no committee action shall be taken while in Executive Session.

F. Any delegate may attend any executive session held by the Executive Committee or any other committee.

The Chairman

Rule No. 19. Duties. The Chairman shall be the presiding officer and the Chief Executive Officer of the Convention, and as such, Chairman of the Executive Committee. He shall:

A. Preside at sessions of the Convention and exercise the usual powers and perform the usual duties of a presiding officer;

B. Preserve order and decorum;

C. Speak to points of order, and subject to an appeal to the Convention, decide all points of order;

D. Confine delegates in debate to the question, prevent personal reflections, and determine the order of recognition when two or more delegates rise at the same time;

E. Designate the First Vice-Chairman to preside in his absence and establish the order of the Vice-Chairmen to preside in the absence of both the Chairman and the First Vice-Chairman;

F. Name a delegate to preside as chairman on each occasion when the Convention sits as a Committee of the Whole;

G. Assign, with the assistance of the Executive Committee, the delegates to their seats;

H. At the request of at least twenty-seven delegates, a recorded yea and nay vote shall be ordered by the Chairman;

I. Sign all official documents of the Convention, attested by the Secretary;

J. Make corrections of the official journal of the Convention, if necessary, attested by the Secretary with notification of any substantive changes being made to the Convention at large;

K. Direct the Convention in its official activities, including naming delegates to perform duties connected with the business of the Convention;

L. Not engage in debate when sitting as Chairman, nor shall he vote on appeals from his rulings;

M. Maintain general control of the Convention Hall, its environs, and all rooms set apart for use of the Convention;

N. Sign all warrants;

O. Supervise the Convention staff, provided that he may delegate certain of this function to members of the staff;

P. On his own initiative or at the direction of the Convention appoint such special committees as may be necessary to perform special functions.

First Vice-Chairman

Rule No. 20. **Duties.** The First Vice-Chairman shall serve as First Vice-Chairman of the Convention, and as such, shall: A. Preside as acting Convention chairman, when requested to do so by the Convention Chairman, or in the absence or inability of the Chairman to serve;

B. Serve as a member of the Executive Committee of the Convention, and carry out such other duties as are assigned by the Chairman;

C. Serve as an ex officio member of the Committee on Rules, Credentials, Ethics and Schedules, but shall have no vote and shall not be counted for the purpose of obtaining a quorum thereof.

Vice-Chairmen

Rule No. 21. **Duties.** The Vice-Chairmen shall:

A. Preside in the absence of the Chairman and the First Vice-Chairman in the order established by the Chairman as provided in Rule No. 19E;

B. Serve as members of the Executive Committee and carry out such duties as are assigned by the Chairman.

C. The Chairman shall designate Vice-Chairmen to serve ex officio on each of the three remaining procedural committees, no Vice-Chairman shall have a vote on the committee to which he is assigned and shall not be counted for the purpose of obtaining a quorum.

Secretary

Rule No. 22. **Duties.** The Secretary shall:

A. Exercise responsibility for the accuracy of the Convention Journal of Proceedings, and the daily publication and distribution of the Journal;

B. Keep a verbatim written record and a sound recording of all proceedings of the Convention and of the Committee of the Whole;

C. Prepare a daily calendar of business and notices of schedules of all committee meetings;

D. Receive, reproduce, number, and distribute all resolutions, delegate and committee proposals;

E. Read to the Convention all proposals, resolutions, petitions, memorials and communications;

F. Exercise responsibility for roll calls of the delegates;

G. Attest where necessary all official documents of the Convention;

H. Preserve and safeguard all original copies of official documents and be responsible for the preservation of all proceedings of the Convention and its committees, and see that all records are properly preserved in archives of the state;

I. Serve as a member of the Executive Committee;

J. Perform such other duties as may be designated by the Chairman or the Executive Committee.

Rule No. 23. **Delegation of Secretary's Duties to Chief Clerk.** Except for certification of official acts, documents and vouchers, and service on the Executive Committee, the Secretary may delegate his duties to the Chief Clerk, subject to supervision by the Secretary.

The Treasurer

Rule No. 24. **Duties.** The Treasurer shall:

A. Exercise responsibility for the accuracy of the Convention's financial records and the monthly distribution of financial statements to the delegates of the Convention;

B. Co-sign, with the Convention Chairman, all warrants;

C. Serve as custodian of all Convention financial records;

D. Assist in the preparation of the Convention's budget;

E. File quarterly audits and the final audit of financial

records with the State Treasurer, Clerk of the House of Representatives and the Secretary of the Senate;

F. Make financial records of the Convention available for audit to the Louisiana Legislative Auditor quarterly and at the end of the Convention;

G. Serve as a member of the Executive Committee, and carry out such other duties as may be assigned by the Chairman.

Chief Clerk

Rule No. 25. **Duties.** The Chief Clerk:

A. Shall not be a delegate to the Convention;

B. Shall perform general administrative duties of the Convention subject to supervision of the Chairman, and when he assumes the duties of the Secretary as provided in Rule No. 22, he shall do so under the supervision of the Secretary;

C. Shall be answerable to the entire Convention for faithful execution of his duties and the smooth functioning of the Convention in assembly as a deliberative body;

D. Shall serve as Parliamentarian of the Convention and shall be advisor and counsel to the Chairman and committee chairmen on all matters of parliamentary procedure; however, all parliamentary rulings shall be the responsibility of, and shall be made by, the Chairman or Committee Chairmen in committee.

Rule No. 25.1. **Signing of Checks.** All checks shall be signed by the Chairman or the first Vice-Chairman and by the treasurer or the chief clerk.

Sergeant-at-Arms

Rule No. 26. **Duties.** The Sergeant-at-Arms shall:

A. Attend the Convention during its sitting, to execute commands as directed to him by the chairman, including signing for and delivery of correspondence addressed to delegates;

B. Maintain order in the Convention Hall and execute Rules of the Convention concerning admission to the floor;

C. Maintain order at committee hearings and assist committee chairmen in their duties.

D. Exercise supervisory control over his assistants, subject to direction of the chairman.

Rule 26.1. **Vacancies.** If a vacancy occurs in the office of Chairman, the first Vice-Chairman shall temporarily preside until the Convention elects a Chairman to fill the office in the same manner in which the officer was first elected.

If a vacancy occurs in the office of any of the Vice-Chairmen or in the office of the Secretary or Treasurer, the Chairman shall appoint a delegate to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected.

CHAPTER 3

Delegates

Rule No. 27. **Delegates Oath.** No delegate shall be qualified to serve unless and until he has taken the prescribed oath.

Rule No. 28. **Recognition in Debate.** When any delegate desires to speak or present any matter to the Convention, he shall rise and address himself to the chair. He shall not speak until recognized, and when recognized, he shall confine himself to the question under debate.

Rule No. 29. **Transgression of Rules.** If any delegate in speaking or otherwise, transgresses the rules of the Convention, the chairman shall call the delegate to order; in which case the delegate shall sit down and shall not proceed without leave of the chairman or the Convention.

Rule No. 30. **Limits on Debate.** Delegates shall not speak more than once to the same question, nor more than fifteen minutes, without leave of the Convention, unless the delegate is the mover, proposer or introducer of the matter pending, in which case, either the delegate and/or his designees shall be permitted to speak in reply, but not until every delegate choosing to speak shall have spoken, except where the previous question or the previous question on the entire subject matter has been ordered. When the previous question has been ordered, the mover, proposer or introducer shall nonetheless have the right to speak or reply as provided in Rule No. 76. The time for reply shall not exceed a total of fifteen minutes.

Rule No. 31. **Prohibited Behavior.** No delegate shall walk off of the Convention floor during roll calls, nor shall any delegate in any way impede the business of the Convention by interrupting delegates who are speaking, by use of objectionable language, or by engaging in any way in discourteous conduct.

Rule No. 32. **Questions of Order.** Every question of order shall be decided by the chairman, without debate, subject

to an appeal. The chairman may call for the sense of the Convention on any question of order, but when an appeal has been taken from the decision of the chair, any subsequent question of order which may arise from the decision of such appeal by the Convention shall be decided by the chairman without debate, and all appeals therefrom shall also be decided by the Convention without debate. Appeals from any ruling of the chairman shall be affirmatively put, and to overrule the chairman, shall require the same vote required to suspend the rules. (See Rule No. 85.)

Rule No. 33. Answering Roll Calls. Every delegate must be at his desk when a roll call is being taken, and answers to roll calls from other locations on the Convention floor shall not be counted.

Rule No. 34. Absence from Daily Sessions. A delegate may be excused from attendance at daily sessions only with leave from the chairman, and no delegate shall be compensated for a day on which he is absent from Convention sessions.

Rule No. 35. Vacancies. By a vote of at least two-thirds of the delegates to the Convention, the seat of a delegate may be declared vacant by the Convention if the delegate has been absent for at least fifteen unexcused, consecutive, opening roll calls. In the event of the death of, or written resignation by a delegate, the seat may be immediately declared vacant by the Chairman. The Chairman shall notify the Governor of any vacancy.

Rule No. 36. Voting in Person. No person other than the delegate himself will be permitted to vote or to answer any roll call or quorum call.

CHAPTER 4 Proposals

Rule No. 37. Proposal. Any original suggestion, proposition, or draft intended to become a part of the Constitution shall be referred to as a proposal. A proposal introduced by a delegate shall be designated as a delegate proposal, and a proposal submitted by a committee shall be designated as a committee proposal. An amendment shall be designated as an amendment.

Rule No. 38. Resolutions. All matters of general convention business, other than proposals intended to become a part of the Constitution, shall be proposed through the instrument of a resolution, which instrument shall be so designated and may be introduced at any time.

A resolution introduced by a delegate shall be designated as a delegate resolution, and a resolution submitted by a committee shall be designated as a committee resolution.

Resolutions shall be subject to the same rules of readings, committee referral and adoption as proposals. Resolutions shall contain a short title which shall be reflective of its purpose and substance, and shall comply with the form requirements of Rule No. 41.

Rule No. 39. Introduction. A proposal may be introduced by a delegate or delegates or by a committee on behalf of a majority of its membership.

Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the Convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee, or his designee and shall bear the signature of a majority of the members of the committee. These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973.

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8-1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is printed, place

it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:
Constitutional Convention of Louisiana of 1973

PROPOSALS

(Committee or Delegate)	(Number)
Introduced by _____	
(Name of Delegate or Committee Chairman)	

Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

Rule No. 42. Deadline on Proposals. No proposals may be introduced by delegates or committees after the first sixty days following July 5, 1973. Amendments to proposals may be offered any time.

Rule No. 43. Printing. Each proposal introduced shall be immediately printed and distributed to the delegates and shall be available to the general public and other interested parties. No final action may be taken on any proposals until printed copies have been distributed to the delegates for at least forty-eight hours.

Rule No. 44. Order of Processing. The order of Convention procedure in processing each proposal shall be as follows:

- A. Introduction, which shall constitute the first reading.
- B. Committee referrals: Committee proposals shall be referred to the Committee offering the proposal. Delegate proposals shall be referred by the Chairman of the Convention to the appropriate committee based on the subject matter of the proposal. The Chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the Committee designated by the chairman; if objection is raised, the referral shall be made by the Convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

- C. Committee reports.
- D. Consideration of and voting on the substantive committee report by delegates in general assembly.
- E. If recommended, reconsideration by substantive committee or committee of the whole.
- F. Reference to Committee on Style and Drafting.
- G. Engrossment, which shall complete the second reading.
- H. Third reading and final passage.
- I. Enrollment.
- J. Referral to Committee on Style and Drafting.
- K. Convention approval of final styling.
- L. Final enrollment.

Each of the three required readings shall occur on three different days.

Rule No. 45. Order of Proposals. When a proposal is up for third reading and final passage, it shall be read, debated, and acted upon separately by sections. Each section shall be considered a separate question for the purpose of "limits on debate" provided for in Rule No. 30.

Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every such amendment shall be distributed to each delegate before a vote occurs thereon.

Rule No. 47. Styling and Drafting. When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, to the end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Rule No. 48. Distribution. For the purpose of these rules "distribution" shall mean that a copy of any document is placed on the desk or chair of each delegate.

CHAPTER 5

Committees

Substantive, Procedural and Other

Rule No. 49. Substantive Committees.

A. The following substantive committees are hereby created:

1. **Committee on Bill of Rights and Elections**, which shall consider the Preamble, Bill of Rights, Human Rights, Obligations of Citizenship, distribution of powers, suffrage and elections, the amendment process, and future constitutional conventions;

2. **Committee on Executive Department**, which shall consider the offices comprising the executive department, reorganization, term of the Governor and other elected officials, and impeachment;

3. **Committee on Legislative Powers and Functions**, which shall consider the Legislative Department, apportionment, qualifications, regular and special sessions;

4. **Committee on Judiciary**, which shall consider the judiciary, tenure and selection of judges, the Department of Justice, district attorneys, sheriffs, clerks of court and coroners;

5. **Committee on Local and Parochial Government**, which shall consider local and parochial government, home rule, special districts, consolidation of governments and inter-governmental cooperation;

6. **Committee on Revenue, Finance and Taxation**, which shall consider revenue, finance, taxation, assessors and assessment, exemptions, state debts and management of state funds;

7. **Committee on Education and Welfare**, which shall consider public education, welfare, consumer affairs, civil service, labor and industry; and

8. **Committee on Natural Resources and Environment**, which shall consider public lands, minerals, water resources, wildlife, environmental concerns, recreation and agriculture.

B. Other provisions that may not be covered by the areas of responsibility shown above may be assigned by the Coordinating Committee to the appropriate substantive committee.

Rule No. 50. Procedural Committees.

The following procedural committees are hereby created:

1. **Committee on Rules, Credentials and Ethics**, which shall consider rules, credentials of delegates, questions of ethics, news media and employees, and shall consider all questions on any procedural disputes referred to it by the Chairman or by the Convention;

2. **Committee on Style and Drafting**, which shall have control over literary style, consistency, arrangement and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it where a proposal referred to it is inconsistent or in conflict with a proposal already acted on favorably by the Convention the committee shall at the third reading (Rule 44H) so notify the Convention of that inconsistency or conflict and wait upon its instructions.

3. **Committee on Legislative Liaison and Transitional Measures**, which shall maintain liaison with the legislative branch and the Louisiana Law Institute and provide for coordination of the transition of subject matter from the Constitution to the appropriate law; and

4. **Committee on Public Information**, which shall consider and implement measures to inform the people on the actions, procedures, recommendations and activities of the Convention. It shall plan and implement the report to be given to the voters of Louisiana on the result of the Convention's work, and shall direct the effort to obtain approval of the new Constitution and the form and manner of presentation.

Rule No. 51. Appointment of Committees.

The selection of delegates to serve on the substantive and procedural committees shall be determined as follows:

Within twenty-four hours after the adoption of these rules by the Convention, each delegate shall submit in writing to the Convention the committee or committees in order of preference to which he or she desires to be appointed.

A Committee on Committees shall select from among said delegates the delegates to serve on each committee based primarily on the preference of each delegate and giving due consideration to the qualifications, experience and residence of each delegate so as to provide as nearly as possible a fair and balanced representation on each committee of this Convention.

Rule No. 52. Committee on Committees.

The Committee on Committees shall be composed of the Chairman of the Convention who shall be chairman of the Committee on Committees and sixteen delegates, with two delegates to be elected from each congressional district by the delegates voting in the congressional district in which they resided at the time of qualification or appointment. Such voting shall be in separate caucuses. No member of the Committee on Committees shall be elected a Chairman or a Vice-Chairman of a substantive or procedural committee.

Rule No. 53. Service on Committees.

Each substantive and procedural committee shall be composed of at least ten delegates and no more than thirty.

Each delegate except the Convention Chairman shall serve on at least one and only one substantive committee and may serve on no more than one procedural committee. Each committee shall elect a chairman, vice-chairman, and such other officers as the committee deems necessary. No delegate serving on the Executive Committee shall serve as Chairman or Vice-Chairman of any substantive committee. The Chairman of the Convention shall designate the date and place of the original meeting of each committee at which committee meeting officers are to be elected and each committee member is to be notified in person or by certified mail of such designation.

The Chairman of the Convention shall be ex officio a member of all substantive committees, but shall have no vote and shall not be counted for the purpose of obtaining a quorum.

Rule No. 54. Coordinating Committee. The Coordinating Committee shall be composed of the Chairman and First Vice-Chairman of the Convention, and the chairmen of the respective substantive committees. The Coordinating Committee shall consider any issues regarding overlap and/or conflict which might arise concerning the jurisdiction of any substantive committee or any subject matter; call joint meetings of any substantive committees for the purpose of discussing any overlap and/or conflict which might arise and make recommendations to the respective substantive committees as to possible resolution thereof and shall assure that each provision of the Constitution of 1921, as amended, shall have been considered by at least one substantive committee.

Rule No. 55. Other Committees. The Convention, by a majority vote of the delegates present and voting, shall have authority to create other committees, including special advisory committees, as it deems necessary, and all substantive and procedural committees may create such sub-committees as each deems necessary, provided that all such sub-committees shall be created only by a majority vote of the creating body.

Rule No. 56. Proposals. The various articles of the proposed draft of a Constitution shall be prepared under the direction and supervision of the respective substantive committees. The research staff shall be assigned to the respective committees by the Chairman of the Convention after consultation with the chairman of the committee to which the staff will be assigned.

Committee Hearings

Rule No. 57. Quorum and Rules of Committees. A majority of any committee constitutes a quorum. The rules of the Convention shall be observed in all committees as far as may be applicable, and, if applicable, may not be suspended. Any committee may adopt its own rules of procedure. No committee rule shall conflict with the Rules of the Convention, except that any committee may establish a different rule with respect to limits on debate.

Rule No. 58. A. Public Hearings, Records. No committee shall sit during sessions of the Convention or of the Committee of the Whole without special leave of a majority of Convention delegates present and voting. All committee hearings shall be publicized, shall be open to the public, and may be recorded verbatim, including the testimony of those wishing to be heard. Minutes of the committee meetings shall be recorded. All committees shall, and are hereby authorized to, hold public hearings either as a committee or through a designated sub-committee, said hearings to be conducted at such localities throughout the State as the committee may designate.

B. Appearance of Delegates or Witnesses. Any person wishing to be heard before a committee shall have a right to be heard subject to the rules of that committee.

C. Testimony. Committees and sub-committees may take testimony under oath or affirmation, and the chairman of any committee or sub-committee is authorized to administer the oath.

D. Any person not a delegate appearing before a committee or sub-committee shall identify himself by name and address and shall state whether or not he is representing any other person or interest.

Rule No. 59. Calling of Committees and Agenda. Each committee shall meet at the call of its chairman, who shall also set its agenda. One-third of the members of a committee may in writing request the chairman to call a meeting of that committee, and, upon his failure to do so within forty-eight hours not including Saturdays, Sundays, and legal holidays,

a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each proposal referred to a committee must appear on the committee's agenda at least once.

Rule No. 60. Reports. All proposals submitted to a substantive or procedural committee shall be reported from that committee indicating committee action provided that a majority of the committee membership present and voting must approve the committee report; a minority report may also be made by any member of a substantive committee.

No resolution, petition, memorial or proposal shall be reported by a committee unless a public hearing on the measure first has been held by the committee. No committee shall report a measure to the Convention pursuant to a procedure, referred to as a "round robin."

Rule No. 61. Form of Reports. The chairman of a substantive committee shall write after each proposal or resolution only the words "reported favorably," "reported unfavorably," "reported with amendments," "reported without action," "reported without action with recommendation that it be recommended to the Committee on _____," "reported by substitute," as the case may be, which report shall be signed by the chairman. Should amendments be proposed, such amendment or amendments shall be written on a separate paper, original and two copies, numbered consecutively, and attached to the proposal or resolution and under no circumstances shall words or sentences be interlined on the body of the measure, and the same be marked while in possession of committees.

Rule No. 62. Notice of Committee Meetings. A. No committee meetings may be held unless notice thereof is given in the following manner: The chairman of the committee or one of the members of the committee calling the meeting under the authority of Rule 59 shall notify the Secretary of the Convention of the time, date, place and agenda of the committee meeting. Within twenty-four hours thereafter the Secretary shall mail notices of such meetings to all members of the committee, all persons who have filed written requests for notice with the Secretary, and to all members of the Convention who have introduced proposals on the subject matter to be considered. The committee hearing shall not be scheduled less than four days from the date of notice to the Secretary. This rule shall apply only when the convention is not in session.

B. Committee and sub-committee meetings while the Convention is in session may be called by the chairman or by a majority of the committee members upon twenty-four hour notice given by announcement from the floor of the Convention and by posting the notice thereof on a designated bulletin board in the vicinity of the floor of the Convention at least twenty-four hours before such meeting.

Rule No. 63. Sub-Committees. A committee, by the affirmative vote of the majority of its members, may provide for the appointment by the committee chairman of sub-committee composed of members of the committee. Reports of sub-committees shall be considered by the entire committee before any committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to sub-committees.

Rule No. 64. Records. All written records and reports of committees of the Convention shall be subject to provisions of the Public Records Act.

Committee of the Whole

Rule No. 65. Procedure. The Convention by a majority vote of the delegates present and voting may resolve itself into a Committee of the Whole for a specified time and purpose. The motion of the Committee of the Whole shall specify the maximum time during which the Committee shall sit.

A. The chairman shall designate a delegate to serve as chairman of the Committee of the Whole. The rules of procedure of the Convention shall apply insofar as applicable, except that delegates may speak more than once unless the chairman imposes limits on debate, actions will be governed by a majority of those present and voting, matters cannot be referred to other committees, no question may be laid on the table, the previous question cannot be ordered, and mo-

tions to adjourn will not be entertained.

B. Proposals in the Committee of the Whole shall be read through, debated and acted upon by sections. All amendments shall be in writing and reported to the Convention by the chairman.

C. A motion that the Committee of the Whole rise shall always be in order unless a delegate is speaking or a vote is being taken. The motion is not debatable and shall be decided by a majority vote of those present and voting.

CHAPTER 6

Transaction of Business

Daily Business

Rule No. 66. Order. The daily business of the Convention shall proceed as follows:

Morning Hour

1. Roll call.
2. Prayer.
- 2A. Pledge of Allegiance.
3. Reading and adoption of Journal.
4. Petitions, Memorials, and Communications.
5. Introduction of resolutions.
6. Report of Committees.
7. Proposals on Introduction and First Reading.
8. Resolutions on Second Reading and Referral.
9. Proposals on Second Reading and Referral.
10. Reports of Committees Lying Over.
11. Reconsideration.

Regular Order of the Day

12. Unfinished Business.
13. Special Order.
14. Resolutions on Third Reading and Final Passage.
15. Proposals on Third Reading and Final Passage.
16. Proposals on calendar for approval of final styling.

Rule No. 67. Change in Daily Order. The order of daily business set forth in the above rule shall be adhered to unless the consent of the Convention shall be otherwise given by majority vote of the delegates present.

Rule No. 68. Time of Committee Referral. Where appropriate, all petitions and memorials shall be referred to the proper committees by the chairman as soon as read, where reference may be necessary or is requested by a delegate.

Rule No. 69. Privileged Motions. When a question is under debate, no motion shall be received except:

1. To fix the time to which to adjourn.
2. To adjourn.
3. To take a recess.
4. To call for the Orders of the Day.
5. To lay on the table.
6. For a Call of the Convention.
7. To limit debate.
8. To move the previous question on the entire subject matter.
9. To move the previous question.
10. To postpone to a day certain.
11. To commit, refer, or recommit.
12. To amend.
13. To postpone indefinitely.

The motions listed in this rule shall take precedence in the order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, a motion for the previous question and the previous question on the entire subject matter shall require a vote of a majority of the delegates present and voting, and a motion to postpone indefinitely requires the affirmative vote of a majority of all delegates to the Convention. Before calling for the vote on the previous question or on the previous question on the entire subject matter, the Chairman shall announce the names of those delegates who have requested to speak and shall state the number of amendments or motions which are still pending. When a recess is taken while a question is pending, consideration of such question shall be resumed when the Convention reassembles, unless it determines otherwise. No motion to postpone to a day certain, or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, any pending amendments to the proposal shall first be in order before any vote is taken on any such motion.

Rule No. 70. Motions Not Debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn, or a motion to amend the calendar and agenda, is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of

other business and all matters relating to questions of order shall be decided without debate.

Rule No. 71. Withdrawal. Any motion may be withdrawn by the mover at any time before decision, amendment or ordering of the yeas and nays, except a motion to reconsider, which may not be withdrawn without consent of the Convention.

Rule No. 72. Format of Motions and Seconds. Motions shall be presented in the following manner:

A. No motion listed in Rule No. 69 need be in writing. Where a motion is in writing the delegate shall attach his or her name thereto before it is received by the Chairman or read by the Secretary, or before it is debated, if debate is in order.

B. No motion need be seconded.

Rule No. 73. Motion for Reconsideration. Any member may move for a reconsideration of any question at the same session of the Convention or the next succeeding session. The Committee on Style and Drafting may move for reconsideration on any subsequent day if one session day's notice of its intention to do so is given in writing to the Secretary and is entered upon the Journal. A motion to reconsider shall be taken up in its regular order and shall be decided upon by a majority vote of those members present and voting.

A motion to reconsider shall not be renewed on the same day.

Rule No. 74. Motion to Call from the Table. A motion which has been laid on the table shall be called from the table only by the affirmative vote of two-thirds of the delegates to the Convention.

Rule No. 75. Division of a Question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall not be subject to division within the meaning of this rule. The limits on debate as set forth in Rule No. 30 of these rules shall apply to the debate on each division of a question.

Rule No. 76. Previous Questions. A. Previous question. This undebatable motion is applicable only to the pending amendment, or amendments, if more than one amendment is under discussion; and it shall be admitted when ordered by a favorable vote as provided in Rule 69, and when carried its effect shall be to put an end to the debate and bring the Convention to a vote on the pending amendments only, without prejudice to further debate on, or subsequent amendments to, the main question. If there has been any discussion on the amendments, the proponent, or delegates designated by him, shall have the right to close, even after the previous question is ordered, which closing speech shall be limited to fifteen minutes.

B. Previous question on the entire subject matter. It shall only be admitted when ordered by a favorable vote as provided in Rule 69, and when carried, its effect shall be to put an end to all debate, and bring the Convention to a direct vote—

(1) Upon the pending amendment and so on back to the first amendment offered;

(2) Upon amendment reported by a committee, if any; and,

(3) Upon the main question. But in all questions involving length of time, amount of interest, questions of quantity, and similar questions, such questions involving the longest time, the largest interest or quantity shall be put first regardless of the order in which motions, amendments or substitutes, may have been made

(4) The motion for the previous question and the previous question on the subject matter shall, during the consideration of any proposal, extend only to the individual section under discussion in accordance with Rule No. 45.

On a motion for the previous question on the entire subject matter, and prior to the ordering of the same, a call of the Convention shall be in order; but after the Convention shall have ordered such motion no call shall be in order prior to a decision of the main question. On a motion for the previous question on the entire subject matter, there shall be no debate. All incidental questions of order, arising after a

motion is made for the previous question on the entire subject matter, and pending such motion, shall be decided whether on appeal or otherwise, without debate. After a call for the previous question on the entire subject matter has been sustained, the question shall be put and determined in order as above, without debate on either amendments or the main question, provided that the proponents of the amendments and measure, or delegates designated by him, shall respectively have the right to close the debate, after the previous question on the entire subject matter is ordered, which closing speeches shall be limited to a total of fifteen minutes.

Rule No. 77. Adjournment and Recess. A motion to adjourn or recess shall always be in order, except when, on a call for the previous question and previous question on the entire subject matter, the question shall have been ordered, or when a delegate has the floor, and shall be decided without debate.

Yeas and Nays

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. The names of absentees on all calls of the yeas and nays shall be placed on a separate list.

Rule No. 79. Explanation of Vote. No delegate shall be permitted to explain his or her vote except as hereafter provided. Any delegate may explain his or her vote in writing or reasons for not voting in writing and request that such explanation be made part of the record.

Rule No. 80. Tie Votes. When the Convention is equally divided, the decision of the chairman shall be taken to break the tie, provided that the chairman, in this event, shall not have previously voted as a delegate on the question.

Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, section, or article the yeas and nays shall be entered in the Journal, and no proposal, section, or article shall be declared passed unless a majority of all the delegates to the Convention shall have voted in favor of the passage of same.

Special Orders

Rule No. 82. Consent. No proposal, resolution or other subject shall be made a special order for a particular day without the consent of two-thirds of the delegates present.

Rule No. 83. Procedure. When two or more subjects shall have been specially assigned for consideration, they shall take precedence according to the order of time for which they were severally made or assigned, and said orders shall at no time be lost or changed except by direction of the Convention.

Rule No. 84. Change in Rules. Any standing rule of the Convention may be rescinded, altered, or amended in the following manner: notice shall be given in writing of the motion therefor, which motion shall be referred immediately by the chairman to the Committee on Rules, which shall file its report to the Convention within twenty-four hours of receipt of the motion. Two days after the filing of the proposed change, the motion shall be considered by the Convention with or without the report of the Committee on Rules, and for passage shall require a vote of a majority of the delegates to the Convention.

Rule No. 85. Suspension of Rules. One or more rules may be suspended for a specified purpose by the affirmative vote of two-thirds of the delegates present and voting or a majority of delegates to the Convention, whichever constitutes the lesser number.

Rule No. 86. Consideration of Proposals without Committee Recommendation. After one day's notice the Convention, on motion passed by the affirmative vote of a majority of the delegates present and voting, may require a committee to return, with or without a recommendation, any proposal referred to the committee.

Rule No. 87. Notice. Whenever notice is required to be given by these rules, the following shall constitute notice:

(a) If the Convention is in session, an announcement made by the Secretary in open session shall constitute notice for all purposes.

(b) If the Convention is not in session, the Secretary shall give notice to the delegates by U. S. Mail, certified, postage prepaid. The date of mailing said notice shall constitute the date of the notice for all purposes under these rules.

Rule No. 88. Authority. On any question of order and parliamentary practice, when these rules are silent or in-

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explicit, Mason's Manual Of Legislative Procedure shall be considered authority.

Rule No. 89. **Name Abbreviation.** In all correspondence, news releases, memoranda and other similar writings, it shall be permissible to refer to the Constitutional Convention of 1973 by the abbreviation "C.C./73."

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Resolution contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Leaves of Absence

Delegate McDaniel—2 days.

Delegate Gauthier—1 day.

Recess

Delegate Burns moved that the Convention do now recess subject to the call of the Chair.

Which motion was agreed to.

And Chairman Henry declared the Convention recessed, subject to call.

Prepared in accordance with the transcript and records of the Convention.

Resolutions introduced on this day have been numbered by the Secretary in accordance with the Order of the Convention.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

TENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Thursday, July 5, 1973, Baton Rouge, La.

The Convention was called to order at 12:00 o'clock noon,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Messrs.—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planhard
Aertker	Giarrusso	Rachal
Alario	Ginn	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Robinson
Armentor	Guarisco	Roemer
Arnette	Guidry	Roy
Asseff	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bel	Heine	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Tapper
Chatelain	Landrum	Tate
Chehardy	Landry, A.	Taylor
Conino	Landry, E. J.	Thistlewaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Edwards	Munson	Weiss
Elkins	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Womack
Fowler	Perez	Zervigon
Total—126.		

ABSENT

Messrs.—		
Avant	Haynes	Rayburn
Dennery	LeBreton	Sutherland
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by the Rev. Avery Alexander.

Pledge of Allegiance

Mr. James A. Bendily, Jr., great grandson of Hewitt Bouanchaud, Chairman of the 1921 Constitution Convention and Lt. Governor of the State led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Motion

On motion of Delegate Landrum, the Convention stood at ease to hear New Orleans Youth Inspirational Choir.

Reading of the Journal

On motion of Mr. Stagg, the reading of the Journal was dispensed with.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

State of Louisiana
CONSTITUTIONAL CONVENTION OF 1973
Baton Rouge, Louisiana

July 2, 1973

Mr. Moise W. Dennery
Secretary of the Convention
Mr. David R. Poynter
Clerk of the Convention

Dear Sirs:

The following communications were received from the Office of the Governor.

Respectfully submitted,

EDWARD HARDIN
Assistant Chief Clerk

Attachments

EH:kg

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

April 2, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Mayor; N. E. "Pete" Heine, Baker, as Delegate to the Constitutional Convention of 1973 (AT LARGE), vice Mayor Tom Colten, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

(Mrs.) Carolyn Badeaux, P. O. Box 1464, Houma, 70360, as Delegate to the Constitutional Convention of 1973 (District 53), vice Charles A. Badeaux, resigned.

Yours very truly

EDWIN EDWARDS
Governor of Louisiana

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10th Days Proceedings—July 5, 1973

STATE OF LOUISIANA CONSTITUTIONAL CONVENTION OF 1973

July 5, 1973

Mr. Moise W. Dennerly
Secretary of the Convention
Mr. David R. Poynter
Chief Clerk of the Convention

Dear Sirs:

This is to notify you that the individuals listed below have been duly commissioned as delegates to the Constitutional Convention and in accordance with the provisions of Act 2 of the 1972 Regular Session of the Legislature. The following oaths were administered to Mr. Heine and Mrs. Badeaux.

Respectfully submitted,

EDWARD HARDIN
Assistant Chief Clerk

attachments
EH:kg

Oath of Office

STATE OF LOUISIANA
Parish of EAST BATON ROUGE

I, N. E. "PETE" HEINE hereby solemnly swear that I will support the Constitution and Laws of the United States; that I will well and faithfully perform all duties as a Delegate to the Constitutional Convention of 1973 (At Large), and that I will observe and obey the limitation of authority contained in the Act under which this Convention has assembled. So help me God.

Sworn to and subscribed before me this 3rd day of April A.D., 1973

C. C. WOOD
Notary Public

Mr. N. E. "PETE" HEINE
P. O. Box 308
Baker, Louisiana 70714

Oath of Office

STATE OF LOUISIANA
Parish of EAST BATON ROUGE

I, N. E. "PETE" HEINE do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States and the Constitution and Laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Delegate to the Constitutional Convention of 1973 (At Large) according to the best of my ability and understanding. So help me God.

Sworn to and subscribed before me this 3rd day of April A.D., 1973.

C. C. WOOD
Notary Public

Mr. N. E. "PETE" HEINE
P. O. Box 308
Baker, Louisiana 70714

Oath of Office

STATE OF LOUISIANA
Parish of EAST BATON ROUGE

I, Carolyn Badeaux do solemnly swear (or affirm) that I will support the Constitution and Laws of the United States and the Constitution and Laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent on me as DELEGATE TO THE CON-

STITUTIONAL CONVENTION OF 1973 according to the best of my ability and understanding. So help me God.

Sworn to and subscribed before me this 22nd day of June A.D., 1973.

C. C. WOOD
Notary Public

MRS. CAROLYN BADEAUX
807 Wright
Houma, Louisiana 70360

Oath of Office

STATE OF LOUISIANA
Parish of EAST BATON ROUGE

I, Carolyn Badeaux do solemnly swear that I will support the Constitution and Laws of the United States that I will well and faithfully perform all the duties as DELEGATE TO THE CONSTITUTIONAL CONVENTION OF 1973, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God.

Sworn to and subscribed before me this 22nd day of June A.D., 1973.

C. C. WOOD
Notary Public

MRS. CAROLYN BADEAUX
807 Wright
Houma, Louisiana 70360

Vice-Chairman Miller in the Chair

Chairman Henry addressed the Convention on a Point of Personal Privilege, as follows:

I would like to share some of my thoughts with you as we enter the second phase of this Constitutional Convention.

This convention has been called the most important political event of the past half-century in Louisiana. Few would disagree with that.

After hammering out the rules whereby we would proceed, when we convened this past January, we have spent nearly six months in committees, dissecting the present Constitution and developing the parts of a proposed new Constitution.

That period was a time of education and research, of insight and enlightenment. It pointed up the complexity of our problem, and that solutions to such a complex problem are not easily arrived at.

The volume of work has been staggering, and so have the long hours you have devoted to the essential committee work of this convention. To date, you as delegates have expended fully 25,344 man-hours — or person-hours if you will — in the tedium of picking apart the bones of our old Constitution and preparing tentative drafts of proposed articles and sections of the new Constitution.

To assist you, and execute your requests and directives, the staff of the convention has worked another 31,628 hours, late into the night and into the weekends, as you yourselves have worked.

Thus, we have devoted nearly 57,000 hours to developing proposals for a new and better Constitution for Louisiana.

The results of this labor, I dare say, are not merely reflected in the several reams of paper introduced here today as Proposals and Resolutions. The real results are much broader and are contained in the increased insight you and I (thanks to the outstanding coverage of our labors by the news media) and the people of this state have with regard to our present Constitution, and this convention's first tentative ideas as to the substance of a new Constitution and the concepts as to its formulation and implementation.

Beginning today our work will not decrease, likely the opposite will occur, but our work takes on a new dimension. While much committee work remains to be done, soon our attention must be given not just to the narrow area of specialty we have chosen but to a new Constitution in its entirety. However narrow our previous study, our thinking must now encompass an integrated concept of a unitary body of organic law; however equivocal our positions and thoughts, we must begin to decide and act; however firm we are in our convictions, we must now persuade not 10 or 20 but 132; however and whatever our thoughts and actions,

we must now write a new Constitution for the people of the State of Louisiana.

Though I do not want to sound excessively presumptuous or school-marmish, I want to tell you of my present thoughts and concerns. I am deeply concerned with the substantive issues of this convention, but I am today equally concerned with the attitudes and approaches of this convention. I hold the firm belief that in all matters of human endeavor not only do the ends not justify the means, but moreover the means become the ends. I am convinced that our attitudes, our approaches, our tenor and our mood during the next six months will imperceptible **become** the proposed Constitution.

If we formulate this Constitution with an attitude of distrust of one another, with narrow, self-important issues our foremost concern, and with intolerance for divergent views, we shall surely frame a narrow, self-serving document distrustful of government by the people — and distrusted and rejected by the people of Louisiana.

We have worked in a spirit of independence and freedom. The specter of control, a convention controlled by one person, group or special interest, has never materialized. You have every right to take pride in the free spirit of this convention, for more than anything else it was this specter of control which delayed the calling of a Constitutional Convention for decades. But no one has controlled this convention, its deliberations and decisions, nor will it be controlled.

I have, I suppose, never been associated with a group who so firmly, and with such great regularity, reaffirm their determination to be above politics and to avoid even the appearance of compromise. I expect no less of myself — partisanship, parochialism, has no part in this convention. This Constitution must be a statement of principle, not a corruption of it.

Unfortunately, the reverse of this conviction has not been articulated sufficiently. Intolerance and arrogance have no place in this Constitution. However, a little simple humility does have a lot of room here. This Constitution can not possibly be exactly as each of 132 of us would like it. Even more so, it can not be exactly as each of the 3.6 million people of this state might like it. Compromise and tolerance of the majority views of others, is not the sign of weakness and moral bankruptcy. It is the critical realization that makes human society functional; it is the element that separates the hermit from the citizen.

If you think that compromise in politics inevitably leads to mediocrity, recall that the system of federalism we now live under was the product of the greatest compromise of the Constitutional Convention that met in Philadelphia in 1787. Recall that it was an entirely new governmental concept, born of necessity and disliked by both the Mr. Hamiltons who desired a unitary form of government and the Mr. Randolphs who desired the continuation of a confederation.

I'm not much on reading quotes of others, but perhaps you will find as interesting as I, recalling the words of the 1787 long-hair Benjamin Franklin when he signed that document:

"I confess that I do not entirely approve of this Constitution at present; but, sir, I am not sure I shall never approve of it, for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise. . . ."

"In these sentiments, sir, I agree to this Constitution with all its faults — if they are such — because I think a general government necessary for us . . . I doubt, too, whether any other convention we can obtain may be able to make a better Constitution; for, when you assemble a number of men, to have the advantage of their joint wisdom, you inevitably assemble with those men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected?"

"It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our counsels are confounded . . ."

"Thus I consent, Sir, to this Constitution, because I expect no better, and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good . . ." unquote.

Our document, if worthy, shall not be the cure-all for the ills of this state. If worthy, it will create the legal mechanics whereby people of good will and industry may respond to the ills of society. I recall some months ago reading that the legislative committee was concerned with importance of the reapportionment method for the Louisiana Legislature. Responding to this contemporary concern, they formulated, and then thankfully rejected, a three-page long 1973 solution for us. That 1973 solution would have set ten separate constitutional time restrictions on the Legislature, the Supreme Court and the attorney general of this state. The legislative committee, I believe, in rejecting this 1973 Cadillac was right because this Constitution should and must be a roadmap, not an automobile.

And while we are formulating this roadmap, let us not forget that this map is not just for us — it is going to be carefully scrutinized and effectively expanded upon by judges and professors, lawyers and politicians, and scholars and nitwits. If there are loopholes, they will be plugged; if there is indecision, decision will be had; if there is vagueness, there will be as many opinions as persons affected. In short, the lawsuits will be numerous and we will find that the Supreme Court will ultimately write as much of this Constitution as we do.

Since I've already offended the legislative committee, I'll do the only sensible thing and agitate them again rather than offend another group. Presently, they are recommending that the Legislature be permitted to meet a certain number of working days, termed "legislative days" in a longer calendar day period. My quarrel or really question here is what is a "legislative day" — a day when both houses meet, if we decided on a bicameral Legislature? A day when either one meets? Or even a day when neither meets in session, but some of the committees meet? If you can't find a lawsuit or two in there somewhere, I can suggest a country lawyer from Jonesboro who can.

I've suggested that our attitudes and our approaches will shape this Constitution. I suppose that some of you may be curious of some of mine, in particular about the role as chairman.

You will recall that back in January during the lengthy debates on convention rules, I presumed as chairman to tell you, "Go ahead and get it out of your system now, because after we adopt these rules we're going to live with them."

Those rules have been adopted, and that time has come. We have successfully avoided outside control of this convention. Now we must control ourselves. We will adhere to the rules, they will be enforced, and we will move along, for we have a deadline to meet.

You will also recall that we adopted Mason's Manual of Legislative Procedures as our authority in matters not specifically covered by our own rules. Mason, quoting from an earlier parliamentary manual, states:

"The great purpose of all rules and forms . . . is to serve the will of the assembly rather than to restrain it; to facilitate and not obstruct the expression of its deliberate sense."

I conceive it my responsibility, as entrusted by you to facilitate the expression of the deliberate sense of this convention. Equitable and impartial adherence to the rules and forms of this convention will be a major element which will insure that the sense of this convention is not obstructed; such is my goal.

In a different light, I shall be suggesting to you from time to time, often from day to day, working schedules, adjournment times, and similar approaches to effect the work of the convention. I intend to do so after consultations with you, your officers, chairmen and clerk so that I might have the best views of what this convention needs to do at a given time to effect its goal.

I further wish to indicate to you that it is my desire to facilitate your individual and collective goals. As far as it is humanly possible, I will be available as you wish to discuss those matters of particular concern.

While I wish to assure you that my personal interest in the substantive issues of this convention will not wane, my primary purpose will be to attempt to insure on your behalf and on behalf of the people of this state that the

deliberate sense of this convention will be expressed in a document worthy of their consideration in 1974.

We must now proceed to write that document. The people are waiting.

Let us proceed.

Thank You.

Chairman Henry in the Chair

Introduction of Resolutions Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide expressly for submission of alternative proposals.

Read.

Lies over under the rules.

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

On motion of Mr. Stovall the rules were suspended in order to refer the resolution at this time.

Under the rules, referred to the Committee on Rules, Credentials and Ethics.

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

Read.

Lies over under the rules.

COMMITTEE RESOLUTION No. 6—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page numbers on proposals to be introduced in this convention.

Read.

On motion of Mr. Stovall the rules were suspended in order to refer the resolution at this time.

Under the rules, referred to the Committee on Rules, Credentials and Ethics.

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Dele-

gates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 20—

Introduced by Dr. Asseff:

A RESOLUTION

To require each substantive committee to report to the Convention any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 21—

Introduced by Delegate James H. Brown, Jr.:

A RESOLUTION

To send best wishes to the members of the Constitutional Convention of Louisiana of 1921 still living and request their assistance and advice.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 22—

Introduced by Delegate Stovall:

A RESOLUTION

To amend and readopt Paragraph B of Rule No. 62 of the Standing Rules of the Constitutional Convention, relative to the notice required for committee meetings.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 23—

Introduced by Delegates O'Neill, Thistlethwaite, and Corne:

A RESOLUTION

Amending Rule Nos. 3 and 36 of the Standing Rules of the Constitutional Convention to provide for greater independence of delegate voting.

Read.

On motion of Mr. O'Neill the rules were suspended in order to refer the resolution at this time.

Under the rules, referred to the Committee on Rules, Credentials and Ethics.

Suspension of the Rules

On motion of Mr. Stovall the rules were suspended in order to call a committee meeting without giving the required 24 hours notice.

On motion of Mr. Stovall a meeting of the Committee on Rules, Credentials and Ethics was called for Friday, July 6, 1973, at 9:00 o'clock A.M.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 1—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Providing for general governmental provisions.

Read.

Lies over under the rules.

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COMMITTEE PROPOSAL No. 2—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 5—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 6—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, Tobias and Vesich:

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 8—

Introduced by Delegate Perez, on behalf of the Committee on Local and Parochial Government, and Delegates Burson,

Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making provisions for local and parochial government and necessary provisions with respect thereto.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state and city civil service.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 13—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for the settlement of disagreements through arbitration.

Read.

Lies over under the rules.

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10th Days Proceedings—July 5, 1973

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robison, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 1—

Introduced by Dr. Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 2—

Introduced by Dr. Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

Read.

Lies over under the rules.

Leaves of Absence

Delegate Avant—Indefinite.

Delegate Sutherland—Indefinite.

Delegate LeBreton—Indefinite.

Delegate Guidry—Indefinite.

Adjournment

Mr. Stagg moved that the Convention do now adjourn until Friday, July 6, 1973 at 12:30 P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, July 6, 1973 at 12:30 P.M.

MOISE W. DENNERY

Secretary

DAVID R. POYNTER

Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

ELEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, July 6, 1973, Baton Rouge, La.

The Convention was called to order at 12:30 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Messrs.—		
Mr. Chairman	Gauthier	Planchar
Abraham	Giarrusso	Rayburn
Aertker	Ginn	Reeves
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Anzalone	Guarisco	Roemer
Arnette	Hardee	Roy
Asseff	Hayes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Segura
Bergeron	Jack	Shannon
Blair	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Taylor
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
D'Gerolamo	Leigh	Tobias
Cowen	Leithman	Toca
De Blieux	Lennox	Toomy
Dennis	Lowe	Triche
Derbes	McDaniel	Ullo
Deshotels	Martin	Velazquez
Drew	Mauberret	Vesich
Dunlap	Miller	Vick
Duval	Mire	Wall
Edwards	Munson	Warren
Elkins	Newton	Weiss
Fayard	Nunez	Willis
Flory	O'Neill	Winchester
Fontenot	Ouro	Wisham
Fowler	Perez	Womack
Fulco	Perkins	Zervigon
Total—123.		

ABSENT

Messrs.—		
Armentor	Dennerly	LeBreton
Avant	Guidry	Rachal
Cannon	Haynes	Sutherland
Total—9.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Warren.

Pledge of Allegiance

Delegate Abraham led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Leithman, the reading of the Journal was dispensed with.

On motion of Delegate Leithman, the Journal of yesterday was adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 1—

ARTICLE II. GENERAL GOVERNMENTAL PROVISIONS

Section 1. Three Departments

The powers of government of the State of Louisiana are divided into three distinct departments—legislative, executive, and judicial.

Source: La. Const. Art. II, §1 (1921).

Comment: Modernization of language; no change in substance.

Section 2. Limitations of Each Department

No one of these departments, nor any person holding office in one of them, shall exercise power belonging to either of the others, except as otherwise provided in this constitution.

Source: La. Const. Art. II, §2 (1921).

Comment: Modernization of language; no change in substance.

Section 3. Civilian-Military Relations

The military shall be subordinate to the civil power.

Source: La. Const. Art. I, §14 (1921).

Comment: Modernization of language and change of location in the constitution; no change in substance.

Section 4. Reserved Power of the Initiative

The people reserve to themselves the power to propose constitutional amendments and statutes and local ordinances and resolutions and to enact or repeal the same at the polls independently of the legislature or any local governing authority.

Source: New; see, however, Alas. Const. Art. XI (1956);

Ariz. Const. Art. IV, §1 (1912); Ark. Const. Art. V, §1 (1874); Calif. Const. Art. IV, §22 (1967); Colo. Const. Art. V, §1 (1876); Fla. Const. Art. XI, §3 (1969); Idaho Const. Art. III, §1 (1890); Ill. Const. Art. XIV, §3 (1970); Maine Const. Art. IV, §18 (1820); Mass. Const. Art. XLVIII, Pt. II (1780); Mich. Const. Art. II, §9 (1964); Mo. Const. Art. III, §§49-51 (1945); Mont. Const. Art. III, §4 (1972); Neb. Const. Art. III, §2 (1875); Nev. Const. Art. XIX, §2 (1864); N. Dak. Const. Art. II, §25 (1889); Ohio Const. Art. II, §1a (1851); Okla. Const. Art. V, §2 (1907); Ore. Const. Art. IV, §1 (1859); S. Dak. Const. Art. III, §1 (1899); Utah Const. Art. VI, §1 (1896); Wash. Const. Art. II, §1a; Wyo. Const. Art. III, §52.

Comment: The initiative, while new to Louisiana, is established in about half of the other states of the union. To ease its introduction, the transitional schedule could provide that the initiative provisions would not be effective until one year after the constitution enters into force. The people may adopt by initiative what the legislature or a local governing authority may adopt, subject to the limitations of Section 9. The term "local governing authority" would include any local legislative policy-making body such as a police jury, city council, or school board.

Section 5. Activation of an Initiative Proposal

An initiative proposal shall be activated when an interested party has filed an application with the secretary of state containing the text of the proposal and bearing the signatures of at least one hundred electors of the juris-

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diction as sponsors. The secretary of state shall within thirty days assign a title and a number to the proposal, place it in proper form, and certify that it is open for signatures. Denial of certification is subject to judicial review.

Source: New; see, for example, Alaska Const. Art. XI, §2 (1956).

Comment: To assure that an initiative proposal is in proper form before being included in petitions to be circulated, it is first submitted to the secretary of state. The requirement that it bear at least one hundred sponsors is in accord with the Alaska provision to eliminate frivolous applications.

Section 6. Initiative Petitions

To be valid, petitions endorsing such proposal must be filed within one year after certification with the secretary of state who shall attest to their legality within thirty days after each is received. Petitions must be signed by a number of electors of the jurisdiction equal to at least fifteen percent of the largest vote cast in any election in the jurisdiction in the previous ten years. The legislature may provide that fewer signatures are required in any instance. All petitions must comply substantially with such reasonable formalities as may be established by the secretary of state.

Source: New; see, for example, Ore. Const. Art. IV, §1(2b) (1859).

Comment: The 15 percent figure required for an initiative proposal is much higher than the figure needed in most states. Oregon, for example, permits an initiative by six percent of the votes cast in the last gubernatorial election. The figure for most of the states is 5 to 10 percent. However, since this is a new proposal for Louisiana, a high figure should be used to discourage initiatives until the extent of their popularity is established. For example, based on the record turnout of 1,184,614 voters in November 1971, it would require 177,693 signatures to get a statewide initiative proposal on the ballot. The section provides that the legislature may lower the percentage in any instance.

Section 7. Initiative Elections

The proposal shall appear on the ballot with its title and a brief description containing not more than twenty-five words prepared by the interested party. It shall be voted on during the next general election at least ninety days after a sufficient number of petitions have been filed with the secretary of state, or during a special election called for that purpose by the governor or by the local governing authority, provided that the proposal shall have been published once, at least forty-five days before the election, at the expense of the interested party, in the official journal of the state and, in the case of local matters, in the official journal of the local governing authority.

Source: New; see, for example, Ark. Const. Art. V, §1 (1874).

Comment: Gives the interested party initiating a proposal the right to describe it on the ballot and the obligation of publishing it at least once before the election.

Section 8. Enactment of Initiative Proposals

The proposal shall become law thirty days after approval by a majority of the electors who vote for or against the proposal or at such later date as the proposal may provide.

Source: New; see, for example, Alaska Const. Art. XI, §6 (1956).

Comment: None

Section 9. Limitations of the Initiative

No proposal shall embrace more than one subject nor shall it appropriate money or levy, repeal, or dedicate any tax. An initiative proposal defeated by the electors shall not be reactivated for two years after its defeat.

Source: New; see, however, Alaska Const. Art. XI, §7 (1956).

Comment: This section essentially prohibits use of the initiative for fiscal measures which standing alone might seriously imbalance the budget of a governing body.

Section 10. Execution of Initiative Provisions

Initiative provisions are self-executing but laws may be

enacted to facilitate the use of the initiative. No legislation shall be enacted to impair powers herein reserved to the people.

Source: New; see, for example, Ark. Const. Art. I, §1 (1874).

Comment: The legislature may aid but not detract from the reserved power of the people to use the initiative.

Section 11. Right to Direct Participation

No person shall be denied the right to observe the deliberations of public bodies and examine public documents except in cases established by law in which the demands of privacy exceed the merits of public disclosure.

Source: New; see, however, Mont. Const. Art. II, §9 (1972).

Comment: This provision considers that basic political rights include not only the right to vote but also the right to participate personally and directly in government by observing public bodies and examining public documents.

Section 12. Oath of Office

All officers before entering upon the duties of their respective offices shall take the following oath or affirmation: "I, (A B), do solemnly swear (or affirm) that I will support the constitution and laws of the United States and the constitution and laws of this state and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ according to the best of my ability and understanding, so help me God."

Source: La. Const. Art. XIX, §1 (1921).

Comment: The section is virtually identical to the 1921 provision except that the words "except as otherwise provided in the Constitution", have been deleted as unnecessary since there have been no exceptions to the oath of office.

Section 13. State Capital

The capital of Louisiana is the city of Baton Rouge.

Source: New; see however, La. Const. Art. XIX, §2, (1921).

Comment: This complies with Act 2 of the 1972 Regular Session.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 2—

A PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; provide for the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

Source: La. Const. Preamble (1921) and Ill. Const. Preamble (1970).

Comment: The 1921 preamble stressed liberty; the proposed preamble stresses both individual rights and the general interest of the people in establishing the constitution. The preamble is not a legally binding part of the constitution; it is not a source of power for any department of the government. Instead, the preamble indicates the general purposes for which the people ordain and establish a constitution. *Jacobson v. Massachusetts*, 197 U.S. 11, 22 (1904).

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, and promote and protect the rights, happiness, and general welfare of the people. The rights enumerated in this article are inalienable and shall be preserved inviolate.

Source: La. Const. Art. I, §1 (1921).

Comment: The 1921 provision has been changed to emphasize that the purpose of government is to protect both individual rights and the general welfare of the people and that rights are inalienable.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, property, or other rights without substantive and procedural due process of law.

Source: La. Const. Art. I, §2 (1921).

Comment: The 1921 provision was changed to emphasize that due process is a protection for all rights and substantive

due process is protected as well as fair procedures. The 1921 provisions on expropriation are expanded in a separate section on the Right to Property.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws nor shall any law discriminate against a person in the exercise of his rights on account of birth, race, sex, social origin or condition, or political or religious ideas. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

Source: New; see, however, Mont. Const. Art. II, §4, (1972) and U. S. Const. Amend. 13.

Comment: The purpose of this section is to prohibit direct state action which unreasonably discriminates against any person because of birth, race, sex, social origin or condition, or political or religious beliefs. It does not interfere with the right to discriminate in private affairs, nor is it intended to prohibit harmless state action. Rather, this provision is intended both to prohibit forced segregation and to outlaw new forms of "reverse discrimination" such as the imposition of quotas. Its only purpose is to insure that the State of Louisiana will treat each person within its jurisdiction as an individual who will be judged solely according to his own merit and worth.

Section 4. Right to Property

Section 4. Every person has the right to acquire by voluntary means, to own, to control, to enjoy, to protect, and to dispose of private property. This right is subject to the reasonable exercise of the police power and to the law of forced heirship. Property shall not be taken or damaged except for a public and necessary purpose and with just compensation previously paid to the owner or into court for his benefit. The owner shall be compensated to the full extent of his loss and has the right to a trial by jury to determine such compensation. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, nor shall the intangible assets of any business enterprise be taken. Unattached movable property shall not be expropriated except when necessary in emergencies to save lives or property, and personal effects, other than contraband, shall never be taken. The issue of whether the contemplated purpose be public and necessary shall be a judicial question, and determined as such without regard to any legislative assertion.

Source: New; see, however, La. Const. Art. I, §2; Art. II, §37; Art. IV, §§19, 19.1 (1921); Ariz. Const. Art. I, §1 (1912); Calif. Const. Art. I, §§1, 14 (1876); Colo. Const. Art. II, §2 (1876); Ill. Const. Art. I, §15 (1970); Mont. Const. Art. I, §29 (1972); Nev. Const. Art. I, §1 (1864); N. Dak. Const. Art. I, §§1, 14 (1889); Amer. Conv. on Human Rights Art. XXI, §1 (1969).

Comment: The first sentence of the section contains language paralleling that used by the U. S. Supreme Court in *Lynch v. Household Insurance Corp.*, 92 S. Ct. 1113, 1118 (1972) in upholding a right to property by virtue of the due process clause of the Fourteenth Amendment to the U. S. Constitution. Similar provisions are contained in the California, Colorado, and Nevada Constitutions and the American Convention on Human Rights. See source above. The right to property is to be limited in this section, however, by the laws of forced heirship. The term "full extent of the loss" (See Mont. Const. cited above) is intended to permit the owner whose property has been taken to remain in equivalent financial circumstances after the taking. It is intended that a business shall not be taken over for the purpose of operating it, although presumably a business could be terminated in an orderly manner. Personal effects are intended to include money, stocks, bonds, objects of art, books, papers, essential tools of trade, and clothing. Contraband, however is an exception to the prohibition against taking personal effects. The reservation of trial by jury is not intended to interfere with a "quick-taking" statute since compensation could initially be paid into court. The term "taking" is to apply to both "expropriation" and "appropriation" so that "appropriation" would no longer have a special status in Louisiana law. Finally determination of the purpose for the taking would be a judicial question without regard to legislative assertions,

just as it is in the Arizona and Colorado Constitutions cited above.

Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause, supported by oath or affirmation particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this section shall have standing to raise the illegality of that search or seizure in the appropriate court of law.

Source: New; see, however, La. Const. Art. I, §7 (1921).

Comment: The 1921 provisions have been changed to stress that communications and property are included in the right to privacy. A search warrant is to include the lawful purpose or reason for the search. In addition, persons protected against illegal searches and seizures include not only the person whose house or property has been illegally searched but also any other person adversely affected by the illegal search.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

Source: La. Const. Art. XIX, §7 (1921).

Comment: The 1921 provision is broadened to include any "person" in lieu of "soldier, sailor, or marine", to include "owner or lawful occupant" in lieu of "owner", and to eliminate the exception during time of war.

Section 7. Freedom from Discrimination

Section 7. All persons shall be free from discrimination on the basis of race, color, creed, national ancestry, and sex in access to public accommodations or in the sale or rental of property by persons or agents who derive a substantial income from such business activity. Nothing herein shall be construed to impair freedom of association.

Source: New; see, however, Ill. Const. Art. I, §17 (1970).

Comment: This section asserts the right to be free from private discrimination in certain activities. Federal law presently prohibits discrimination in public accommodations (42 U.S.C. §2000) and in the sale or rental of housing (42 U.S.C. §3604) except in the case of a single-family house sold without advertising and in the case of rooms or apartments in an owner's own home (42 U.S.C. §3603).

The prohibitions intended to those "who derive a substantial income from such business activity" as opposed to an individual homeowner selling or renting his own home.

Section 8. Trial by Jury in Civil Cases

Section 8. In all civil cases, except summary, domestic, and adoption cases, the right to trial by jury shall not be abridged. No fact determined by a judge or jury shall be re-examined on appeal. Determination of facts by an administrative body shall be subject to review.

Source: New; see, however, U. S. Const. Amend. 7, La. Const. Art. VII, §29 (1921).

Comment: This section abandons the practice of appellate court review of the facts determined by the judge or jury in the lower court. It enlarges the right to trial by jury in civil cases. La. Const. Art. VII, §29 (1921).

Section 9. Freedom of Expression

Section 9. No law shall abridge the freedom of every person to speak, write, publish, photograph, illustrate, or broadcast on any subject or to gather, receive, or transmit knowledge or information, but each person shall be responsible for the abuse of that liberty; nor shall such activities ever be subject to censorship, licensure, registration, control, or special taxation.

Source: New; see, however, U. S. Const. Amend. 1.

Comment: The section is intended to be a strong assertion of the right to free speech. Under the section, suits for libel and slander would still be permitted, however, and truth would be a defense in such suits.

Section 10. Freedom of Religion

Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof. Source: La. Const. Art. I, §4 (1921).

Comment: Modernization of language. No substantive change.

Section 11. Freedom of Assembly and Movement

Section 11. No law shall impair the right of every person to assemble peaceably, to petition government for a redress of grievances, to travel freely within the state, and to enter and leave the state. Nothing herein shall prohibit quarantines

or restrict the authority of the state to supervise persons subject to parole or probation.

Source: New; see, however, La. Const. Art. I, §5 (1921).

Comment: The section is intended to strengthen the traditional freedom of assembly provision and to add a provision recognizing freedom of movement. The latter provision would not affect restrictions on the freedom of movement of convicted persons on parole. Under the section on Right to Humane Treatment, the rights of persons convicted are not fully restored until the termination of state or federal supervision for any offense and this section is not inconsistent with that provision. The section also does not restrict movement of persons under quarantine for medical reasons or in other emergency situations.

Section 12. Rights of the Accused

Section 12. When a person has been detained, he shall immediately be advised of his legal rights and the reason for his detention. In all criminal prosecutions, the accused shall be precisely informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with a serious offense.

Source: New; see, however, La. Const. Art. I, §§9, 10, 11, 12; Art. VII, §41, 42 (1921).

Comment: This section and the six sections that follow are a rearrangement of the provisions on criminal procedure rights contained in the 1921 Constitution. The provisions are arranged in the chronological order which the rights are exercised.

The accused is entitled to be informed of his relevant legal rights and the reason for his detention as soon as he is detained. In being informed of accusations against him, he is to be precisely informed. Also, he is entitled to the early assistance of counsel in indigent cases.

Section 13. Initiation of Prosecution

Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for a capital crime or a felony necessarily punishable by hard labor, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial or where there is a mistrial or a motion in arrest of judgment is sustained.

Source: New; see, however, La. Const. Art. I, §9; Art. VII, §41 (1921); U. S. Const. Amend. 5.

Comment: The section requires grand jury indictments for felonies necessarily punishable by hard labor as well as capital crimes.

Section 14. Grand Jury Proceedings

Section 14. At all stages of the grand jury proceedings, after arrest, the accused shall have the right to the advice of counsel while testifying, to compulsory process for presenting witnesses to the grand jury for interrogation, and to any transcribed testimony of any witnesses appearing before the grand jury in his case.

Source: New; see, however, La. Const. Art. I, §9 (1921); U. S. Const. Amend. 6.

Comment: No change with respect to the secrecy of the grand jury is anticipated. The "accused" is a person who has been arrested or otherwise booked with an offense requiring an indictment and who is permitted to appear before the grand jury. In such cases he shall have the right to the advice of counsel while testifying. The attorney's role may be strictly limited to "advising" his client. The accused also has the right to present witnesses to the grand jury on his own behalf but the grand jury is under no obligation to interrogate them. Finally, if testimony in the grand jury room is transcribed, the accused is entitled to a transcript of such testimony of witnesses appearing in his case.

Section 15. Fair Trial

Section 15. Every person charged with a crime shall be presumed innocent until proven guilty, and shall be entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue be changed in accordance with law. No person shall be compelled to give evidence against himself. An accused shall be entitled to confront and cross-examine the witnesses

against him, to compel the attendance of witnesses, to present a defense, and to take the stand in his own behalf.

Source: New; see, however, La. Const. Art. I, §§9, 11 (1921).

Comment: The 1921 provisions provide explicitly for exceptions with respect to self-incrimination and do not state that a person may take the stand in his own behalf.

Section 16. Trial by Jury in Criminal Cases

Section 16. Any person charged with an offense or set of offenses punishable by imprisonment of more than six months may demand a trial by jury. In cases involving a crime necessarily punishable by hard labor, the jury shall consist of twelve persons, all of whom must concur to render a verdict in capital cases or cases in which no parole or probation is permitted, and ten of whom must agree in others. In cases not necessarily punishable by hard labor, the jury may consist of a smaller number of persons, all of whom must concur to render a verdict. The accused shall have the right to voir dire and to challenge jurors peremptorily.

Source: New; see, however, La. Const. Art. I, §9; Art. VII, §41 (1921).

Comment: This section strengthens the right to trial by jury by incorporating the rule in *Duncan v. Louisiana*, 391 US 145 (1968) which recognizes the right to a trial by jury in cases in which the potential punishment is imprisonment for six months or more. The provision would also include the right to a jury trial when a set of offenses could result in imprisonment for six months or more. The latter may be beyond the federal requirement. The requirement for a unanimous jury verdict in cases in which no parole is permitted is a change from the 1921 provision and the number needed to convict in lesser cases is raised from nine to 10. The right to voir dire or to challenge witnesses for cause, is expressly stated in this section for the first time.

Section 17. Right to Bail

Section 17. Excessive bail shall not be required. Before and during trial, a person shall be bailable by sufficient sureties, unless charged with a capital offense and the proof is evident and the presumption great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is less than five years and, the judge may grant bail if the maximum sentence which may be imposed is greater. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is less than five years, and the judge may grant bail if the sentence actually imposed is greater.

Source: New; see, however, La. Const. Art. I, §12 (1921).

Comment: This section represents a departure from the 1921 Constitution in permitting bail at the discretion of the judge in certain situations where it was not permitted before. It permits bail after conviction and before sentencing as well as after sentencing and before final judgment.

Section 18. Right to Humane Treatment

Section 18. No person shall be subjected to torture or to cruel, unusual, or excessive punishments or treatments, and full rights shall be restored by termination of state or federal supervision for any offense.

Source: New; see, however, La. Const. Art. I, §12 (1921).

Comment: The 1921 provision is revised to include "excessive" as well as "cruel and unusual" punishments, and "treatments" are included as well as "punishments". The provision on restoration of full rights is intended to mean convicted person automatically recovers all rights recognized in this "Declaration of Rights" at the point at which supervision ceases. It does not erase his past record; for example, a multiple offender could still receive a harsher penalty than a first offender.

Section 19. Right to Vote

Section 19. No person eighteen years of age or older who is a resident or domiciliary of the state shall be denied the right to register and to vote, except that this right may be suspended while a person is judicially committed and institutionalized, or under an order of imprisonment for conviction of a felony.

Source: New; see, however, Ill. Const. Art. III, §1, 2 (1970); Montana Const. Art. IV, §1 (1972).

Comment: Voting is included in the "Declaration of Rights" because it is regarded as a basic political right rather than a privilege. As a right, it should be suspended only in the most serious cases. The Illinois provision does not even except interdicted persons. The Montana provision excepts persons "of unsound mind, as determined by a

court". This provision also recognizes a right to register as long as registration is a prerequisite to voting.

Section 20. Right to Keep and Bear Arms

Section 20. A well-regulated militia is necessary to the security of a free state. The right of each person to keep and bear arms and ammunition shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of concealed weapons.

Source: La. Const. Art. I, § 8 (1921).

Comment: The section is adopted with virtually no change in substance from the 1921 provision. The provision relating to the militia is set out as a separate sentence. The right to bear arms is connected with the provision permitting laws to prohibit the carrying of concealed weapons.

Section 21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Source: La. Const. Art. I, § 13 (1921).

Comment: The 1921 provision is revised to recognize the writ of habeas corpus as a right rather than a privilege and to eliminate the exception for suspending it. Emergencies and other times of disorder are precisely the times when the writ is most needed as a right of redress.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for actual or threatened injury to him in his person, property, reputation, or other rights. Neither the state, its political subdivisions, nor any private person shall be immune from suit.

Source: New: see, however, La. Const. Art. I, § 6; Art. III, § 35; Art. XIX, § 13 (1921).

Comment: This provision is intended to broaden the general right of redress recognized in the 1921 provision. The right of redress is recognized for "threatened" as well as "actual" injury or violation of any right of a person. No private person is to be immune from suit. Sovereign immunity is abolished but the legislature may provide for immunity for the governor or other "public persons" in connection with the performance of their official duties.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 3—

ARTICLE III. LEGISLATIVE DEPARTMENT

Section 1. Legislative Power of State; Vesting: Continuous Body

Section 1. (A) The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives.

(B) The legislature shall be a continuous body during the term for which its members are elected.

Source: La. Const. Art. III, § 1 (1921).

Comment: Paragraph (A) rewords without substantive change the present provisions.

Paragraph (B) is new. Term "continuous body" is distinguished from "continuous session." Term "continuous body" means that legislature is a viable and ongoing body for the duration of each of the four-year terms of its members rather than a year to year body. At present legislature acts as a body only when convened in actual session and all orders, resolutions, and proceedings cease at the end of the session, unless otherwise extended. Unlike the judicial and executive branches of government, the legislature at present is restricted in the number of days it can operate and can only function while it is in session for a limited period each year, while the other branches operate throughout the year. Leaves no doubt as to authority of legislature to organize itself, select its officers, and establish its standing committees for four-year term of its members. Allows legislature to adopt procedures to operate through its standing committees year-round for continuing study and analysis of needed or proposed legislative action. Eliminates necessity for creation of interim committees to meet between sessions. Permits legislature more readily to manage its own operations when not actually in session by allowing it to provide for: 1) prefilings of bills, 2) formal introduction of

bills prior to convening in regular or extraordinary session, 3) assignment of such bills to committees, 4) pre-session committee hearings and determination of reports; and otherwise to exercise its functions year-round and from year to year in an effort to provide more time for informed and deliberative decision-making, benefiting the state and its people.

Note "continuous body" is not synonymous with "continuous session" and the legislature could only meet in actual session as permitted by Section 2 below.

Section 2. Sessions; Annual; Extraordinary

Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall not extend for more than sixty legislative days within a one hundred and twenty day period; however, upon the consent of a majority of the elected members of each house, the legislature may extend the regular session in any year for not to exceed fifteen legislative days within the one hundred and twenty day period.

(B) The legislature may be convened at other times by the governor or, at the written request of a majority of the elected members of each house, by the presiding officers of both houses. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Source: La. Const. Art. III, § 8; Art. V, § 14 (1921).

Comment: Requires legislature to meet in regular annual session, with no restriction as to fiscal matters in odd-year sessions as at present. Establishes length of regular sessions at 60 legislative days held within a 120-day period. Allows for extension of regular session by consent of majority of elected members for up to 15 legislative days within same 120-day period. Term "legislative days" is new. It refers to exact number of days legislature actually meets, sometimes referred to as "working days." Some 14 states either by constitution or statute use "legislative day" concept. It most generally is defined or interpreted to mean, any day on which either or both houses is in session. (See Indiana Statutes 34-226 (e) and Opinions of the Justices, 257 So. 2d 336 (Ala. 1972).) Thus, a session by one house, the other house not sitting, comprises a legislative day to be deducted from the total 60 days permitted by this section. However, if neither house is in session both having adjourned or recessed to a later date, meetings of committees of one or both houses would not constitute legislative days.

Continues existing authority of governor and legislature to call extraordinary sessions, but reduces vote necessary for legislature to call itself into session from two-thirds to a majority of elected members of each house. Changes method of legislature calling itself into session by providing that presiding officers of both houses are to issue call or proclamation. Present provision places primary responsibility on governor to call legislature into session when petitioned to do so.

Rewords without substantive change present provision relative to issuance of proclamation and enumeration of objects to be considered.

Retains without substantive change present provision relative to restriction on power to legislate and limitation on maximum number of days of an extraordinary session.

Makes no constitutional provision for a convening date, leaving this to be fixed by statute. Note: provision for first convening date after new constitution is adopted likely could be included in a transitional or schedule provision.

Section 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of Senate members shall not exceed forty-one and the number of House members shall not exceed one hundred and eleven.

Source: La. Const. Art. III, §§ 2, 3, 4, 5 (1921).

Comment: Establishes a maximum number of members for

each house of legislature but permits legislature to fix exact size. Maximum allowable number of senators is increased from 39 to 41 and maximum allowable number of representatives is increased from 105 to 111. Deletes those provisions of constitution establishing specific geographic districts.

Section 4. Qualifications; Residence Requirements; Term; Vacancies

Section 4. (A) Every elector who at the time of his election has reached the age of eighteen years shall be eligible to membership in the House of Representatives. Every elector who at the time of his election has reached the age of twenty-one years shall be eligible to membership in the Senate.

(B) No person shall be eligible to membership in the legislature unless at the time of his election he has been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election. However, at the first election following the reapportionment of the legislature only, a person may qualify for election from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election. The seat of any member who changes his domicile from the legislative district which he represents shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

(C) The members of the legislature shall be elected for terms of four years each.

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

Source: La. Const. Art. III, §§8, 9 (1921).

Comment: Reduces age requirement for senators from 25 to 21 years. Specifies 18 years instead of "elector" for age requirement for representatives.

Reduces residency in state from five to two years and requires one year of actual domicile in district preceding election. Present constitution requires one-year residence. Makes special provision for first election following reapportionment. Provides that change of domicile (rather than residence) vacates seat.

Retains four-year term of members.

Requires any vacancy in legislative office to be filled for remainder of term only by election as provided by law. Present provision requires governor to order elections to fill vacancies.

Section 5. Legislative Apportionment; Judicial Review; Apportionment by Supreme Court

Section 5. (A) Not later than the end of the first year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall apportion the representation in each house on the basis of the total state population as shown by the census. Within ten days after the legislature adopts an apportionment plan the presiding officers of the two houses shall submit the plan to the supreme court for review.

(B) If the legislature fails to apportion itself, the supreme court, upon petition therefor, by the attorney general within ten days after the close of the year above specified shall apportion each house thereof as provided in Paragraph (A) of this Section.

(C) The procedure for review and petition shall be provided by law.

Source: La. Const. Art. III, §§2, 3, 4, 5, 6 (1921).

Comment: Replaces present constitutional provisions relating to legislative reapportionment. Requires legislature, no later than end of first year following official promulgation of census to reapportion state on basis of total state population. Deletes all provisions specifying geographical makeup of legislative districts.

Grants to state supreme court direct review of legislative reapportionment as well as authority upon petition to apportion the legislature when it fails to do so.

Requires legislature to establish procedures for this re-

view and petition within guidelines and time periods specified by this section. (Replaces Article III, §§2, 3; deletes Article III, §§4, 5 and 6)

Section 6. Judging Qualifications and Election; Procedural Rules; Discipline; Officers

Section 6. (A) Each house shall be the judge of the qualifications and elections of its own members, determine the rules of its procedure, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expulsion shall create a vacancy in the office.

(B) Each house shall have power to compel the attendance and testimony of witnesses and the production of books and papers before such house as a whole, before any committee thereof, or before joint committees of the houses and shall have the power to punish for contempt those in wilful disobedience of its orders.

(C) Each house shall choose its own officers, including a permanent presiding officer selected from its membership, who shall be designated in the Senate as the president of the Senate and in the House as the speaker of the House of Representatives.

Source: La. Const. Art. III, §§10, 11; Art. V, §§8, 17 (1921).

Comment: Revises present provisions providing for each house to judge "qualifications, elections, and returns" of its own members by deleting the word "returns". Clarifies power to expel by stating that expulsion creates a vacancy.

Retains provision relating to compelling attendance and production of all types of papers or documents and authorizes legislature to punish for contempt those who disobey its orders.

Removes lieutenant governor as presiding officer of the Senate and provides that each house is to choose its officers from its members.

Section 7. Privileges and Immunities

Section 7. The members of the legislature shall in all cases, except felony, be privileged from arrest during their attendance at the sessions and committee meetings of their respective houses and in going to and returning from the same. No member shall be questioned in any other place for any speech or debate in either house.

Source: La. Const. Art. III, §13 (1921).

Comment: Revises present provision by extending the privileges and immunities granted legislators during sessions to include committee meetings. Extends privilege from arrest in criminal matters to all offenses not felonies.

Section 8. Conflict of Interest

Section 8. Legislative office is a public trust and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.

Source: La. Const. Art. III, §§29, 30 (1921).

Comment: Substantially replaces present constitutional provisions relating to legislative conflict of interest. Deletes requirement that individual legislators disclose personal interest in bills and refrain from voting thereon, as well as provisions relating to sale or trade of votes.

Section 9. Quorum; Compulsory Attendance; Journal; Adjournment; Consent of Other House.

Section 9. (A) Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day to day and shall have power to compel the attendance of absent members.

(B) Each house shall keep a journal of its proceedings which shall be published from day to day and which shall accurately reflect the proceedings of that house, including all record votes. A record vote is a written, printed, or oral vote by yeas and nays.

(C) Whenever the legislature is in session neither house shall adjourn for more than three days or to any other place than that in which it is then meeting, without the consent of the other house.

Source: La. Const. Art. III, §§7, 15, 19, 20 (1921).

Comment: Clarifies present provision relative to quorum by specifying that it is a majority of the elected members of each house.

Retains requirement for each house to maintain a journal and adds definition of record vote.

Rewords without substantive change provision relating to adjournment of either house for more than three days without consent of the other house.

Section 10. Legislative Auditor

Section 10. There shall be a legislative auditor who shall be elected by the consent of a majority of the elected members of each house and may be removed by the consent of two-thirds of the elected members of each house. The legislative auditor shall be responsible solely to the legislature and shall serve as fiscal advisor to the legislature. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local governments as are provided by law.

Source: La. Const. Art. VI, §26(2) (1921).

Comment: Rewords present provisions relating to legislative auditor. Provides for his election by a simple majority but requires two-thirds majority to remove. Deletes the detail in present constitution relating to existing executive and legislative functions of legislative auditor and instead requires legislature to fix his duties and functions.

Section 11. Salaries of Public Officers; Change

Section 11. Salaries of public officers may be changed only by vote of two-thirds of the elected members of each house of the legislature.

Source: La. Const. Art. III, § 34 (1921).

Comment: Changes the vote required in legislature from two-thirds of members to two-thirds of the elected members and deletes phrase "whether fixed in this constitution or otherwise."

Section 12. Local or Special Laws

Section 12. The legislature shall pass no local or special law when a general law is or can be made applicable.

Publication

Source: New

Comment: Replaces the enumeration of prohibited local or special laws contained in Art. IV, §4 and prohibits all local or special laws where a general law would suffice. Outright prohibition of all local or special legislation is not feasible, for example an appropriation of money to pay an outstanding judgment is necessarily a special law, a law creating or changing a judicial district is a local law. The major problem under this section is not, "What is a local or special law?" but "When is a general law applicable?" This section does not specify who is to make this determination but it is understood that the courts will.

Section 13. Local or Special Laws; Notice of Intention;

Section 13. No local or special law shall be introduced into the legislature unless notice of the intention to introduce such law has been published, without cost to the state, in the locality where the matter or things to be affected are situated on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law. Every such bill shall contain a recital that the notice has been given.

Source: La. Const. Art. IV, §6 (1921).

Comment: Rewords present provision relating to publication 30 days prior to introduction, but specifies number of times notice is to be published. Deletes requirement that evidence of publication be exhibited in legislature.

Section 14. Suits Against the State

Section 14. The legislature may authorize suit to be filed against the state, its agencies, and political subdivisions, and shall provide a method of procedure and the effect of the judgments which may be rendered therein. Any law enacted for the purpose shall waive immunity from suit and from liability.

Source: La. Const. Art. III, §35 (1921).

Comment: Rewords present provisions relating to authorization of suit against the state, its agencies, and political subdivisions. Authorizes legislature to establish procedures for authorizing suit and specifying the effect of judgments.

Deletes present detail and deletes specific provision (Art. XIX, § 26) withdrawing waiver of immunity from suit of certain state and local boards and agencies.

Section 15. Continuity of Government

Section 15. The legislature shall provide for the orderly and temporary continuity of government, in periods of emergency, until such time as the normal processes of government

can be reestablished in accordance with the constitution and laws of the state. It shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unavailable to execute the functions of their offices.

Source: La. Const. Art. II, §3 (1921).

Comment: Revises prewent provision by extending this power to all types of emergencies and not just to those caused by enemy attack. Requires legislature to provide for continuity of government and succession to office in those emergencies.

Section 16. Style of Laws; Enacting Clause

Section 16. The style of the laws of this state shall be: "Be it enacted by the Legislature of Louisiana." It shall not be necessary to repeat the enacting clause after the first section of an act.

Source: La. Const. Art. III, §7 (1921).

Comment: Retains present provision with only style changes.

Section 17. Passage of Bills

Section 17. (A) The legislature shall enact no law and propose no amendment to the constitution except by a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object and shall contain a brief title indicative of its object.

(B) All bills enacting, amending, or reviving laws shall set forth completely the provisions of the laws enacted, amended, or revived, and no system or code of laws shall be adopted by general reference to such system or code of laws.

(C) No bill shall be so amended in its passage through either house as to change its original object.

(D) Every bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless it has been reported on by a committee.

(E) No bill which has been rejected by either house may again be proposed or considered in the same house during the same session without the consent of a majority of the members elected to the house which rejected it.

(F) No amendments to bills by one house shall be concurred in by the other, nor shall any conference committee report be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) No bill shall become law without the concurrence of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. At the request of one-fifth of the members elected to either house, a record vote shall be taken on any other measure or for any other purpose.

Source: La. Const. Art. III, §§8.1, 16, 17, 18, 21, 23, 24, 25, 25.1; Art. IV, §9 (1921).

Comment: Restates present provisions requiring enactment of laws only by bill. Retains requirement that a bill be confined to one object and have a title indicative of that object. Continues existing exception relating to general appropriation bill and bills to enact, rearrange, codify, or revise a system of laws.

Restates provisions relating to prohibition against adoption of laws by reference.

Restates provision prohibiting amendments which are not germane to object of bill as introduced.

Revises procedure for reading of bills in legislature. Requires reading of a bill at least by title on three separate days in each house. Retains requirement that bills be reported on before consideration for final passage but removes requirement for reading in full.

Retains without substantive change provision relating to reconsideration of rejected bills.

Restates present provisions relating to vote requirement for concurrence in amendments of another house or conference committee reports by specifying that concurrence in either case is to be by same vote required for final passage.

Rewords provisions relating to the vote required for passage of a bill. Specifies that a bill must receive at least a majority of votes in each house to pass. Retains provision that one-fifth of elected members in either house may require a record vote on other than final passage.

Section 18. Appropriations

Section 18. (A) No money shall be withdrawn from the

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state treasury except through specific appropriation, and no appropriation of money shall be made for contingencies or for longer than two years.

(B) All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(C) The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt and interest thereon.

(D) All other bills for appropriating money shall be for a specific purpose and for a specific amount.

(E) Any bill appropriating money in an extraordinary session of the legislature convened after final adjournment of the regular session held in the last year of the term of office of a governor, except for expenses of the legislature, shall require the approval of three-fourths of the elected members of each house.

Source: La. Const. Art. III, §22; Art. IV, §§1, 9, 10, 11 (1921).

Comment: Rewords present provisions relating to withdrawal of money from state treasury. Retains prohibition against appropriations for contingencies or for longer than two years.

Retains without substantive change provision relating to origination of revenue or appropriation bills.

Restates without substantive change present provisions relating to general appropriation bill.

Rewords without substantive change present provision relating to other appropriation bills.

Revises present provision relating to appropriation bills in extraordinary sessions held in the period 90 days before primary election for governor and ending at expiration of the governor's term to bring it into line with provision dealing with annual sessions, since a 90-day period could overlap with 120-day period if date for primary election were changed.

Section 19. Signing of Bills; Delivery to Governor

Section 19. (A) A bill that has been passed by both houses of the legislature shall be signed by the presiding officers of both houses and shall be submitted to the governor for his signature or other action. Delivery to the governor shall be within three days after passage.

(B) No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Source: La. Const. Art. III, §26; Art. V, §17 (1921).

Comment: Revises present provisions relating to the signing of bills by the presiding officers of both houses. Deletes requirement for signing in open session. Allows delivery of signed bills to governor up to three days after passage, instead of present requirement for delivery on same day. Governor can sign, veto, or take no action on bills. If no action is taken, a bill becomes law after a certain period as specified in Section 20 below.

Section 20. Signature of Governor on Bills; Veto

Section 20. (A) A bill shall become law if the governor does not sign or veto the bill within ten days after its delivery to him if the legislature is in session or within twenty days if the legislature is adjourned.

(B) If the governor does not approve of a bill, he may veto it and return it to the legislature, with his veto message, within twelve days after its delivery to him if the legislature is in session. If the legislature has adjourned before the governor vetoes or returns one or more bills, he shall return them, with his veto message, to the legislature as provided by law. Any bill thus returned by the governor and subsequently approved by two-thirds of the elected members of each house shall become law.

(C) The presiding officers of both houses shall convene the legislature in veto session upon the written request therefor, by at least a majority of the members elected to each house, on the thirty-fifth day after final adjournment of each session, for the sole purpose of reconsidering the bills vetoed by the governor. The veto session shall not exceed five consecutive days.

Source: La. Const. Art. V, §15 (1921).

Comment: Revises present provision relating to signing or vetoing of bills by governor. Allows governor 10 days if legislature is in session to sign or veto a bill and up to 20 days if legislature has adjourned.

Gives governor an additional period of time in which to prepare and deliver his veto message. Allows legislature to specify how and when governor is to return bills vetoed after it has adjourned. Retains two-thirds vote requirement to override governor's veto.

Revises present provisions on veto sessions by providing that presiding officers of both houses are to call legislature into veto session upon written request of a majority of members elected to each house. Changes present method which requires a majority from each house to vote to come back into veto session on a particular vetoed bill to a majority from each house voting to come back into veto session.

Section 21. Effective Date of Laws

Section 21. All laws shall be published as provided by law and shall take effect on the sixtieth day after final adjournment of the session in which they were enacted. However, any bill may specify an earlier or later effective date.

Source: La. Const. Art. III, §27 (1921).

Comment: Revises present provisions relating to effective date of laws. Changes effective date from present 20th day after adjournment to 60th day after adjournment. Provides for general appropriation bill, emergency legislation, and other bills to have an earlier or later effective date. Deletes provisions on certification of emergency legislation.

Section 22. Suspension of Laws

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. The vote thereon shall be by record vote.

Source: La. Const. Art. XIX, §5 (1921).

Comment: Rewords without substantive change present provision.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 23. The legislature may authorize the organization of corporations for perpetual or indefinite duration. However, every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by law. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation.

Source: La. Const. Art. XIII, §7 (1921).

Comment: Rewords without substantive change. Note: other sections in Article XIII assigned to this committee (§§2, 3, 5, & 8) are deleted.

Section 24. State and District Officers; Impeachment; Conviction; Effect

Section 24. (A) All state and district officers, whether elected or appointed, shall be liable to impeachment for felonies, incompetency, corruption, extortion, oppression in office, gross misconduct, or habitual drunkenness.

(B) All impeachments shall be originated by the House of Representatives and shall be tried by the Senate. Two-thirds of the members elected to the Senate shall be necessary to convict. The Senate may sit for said purpose whether or not the House is in session and may adjourn as it thinks proper.

(C) Judgment of conviction in impeachment cases removes and debars the person from holding any office under the state, but neither conviction nor acquittal shall prevent prosecution and punishment otherwise according to law. Impeachment proceedings shall suspend any officer except the governor or acting governor, and the office shall be filled by the governor until decision of impeachment.

Source: La. Const. Art. IX, §§1, 2 (1921).

Comment: Revises present provision relating to grounds for impeachment by replacing phrase "high crimes" with the word "felonies" and deleting "misdemeanors in office" and "favoritism."

Deletes disqualification from practicing law if judge, district attorney, or attorney general is convicted. Changes method of filling the office of a suspended official from appointing authority to governor.

Note: Provision in present constitution and this proposed section do not apply to local officers.

Deletes provision (Art. IX, §3) on removal by address of legislature.

Section 25. Removal by Suit; Officers Subject; Commencement of Suit

Section 25. The legislature shall provide for the removal by suit of any state, district, parochial, ward, or municipal officer except the governor, lieutenant governor, and judges of the courts of record.

Source: La. Const. Art. IX, §§6, 7 (1921).

Comment: Replaces present provisions by requiring legislature to enact laws for removal of public officials by suit. Removes detail from present constitution.

Section 26. Recall

Section 26. The legislature shall provide for the recall by election of any state, district, parochial, ward, or municipal officer except judges of the courts of record. The sole issue at any recall election shall be whether such officer shall be recalled.

Source: La. Const. Art. IX, §9 (1921).

Comment: Rewords present provision relating to recall of public officials to require legislature to enact laws for recall by election. (See R.S. 42:341-357)

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 4—

ARTICLE IV. EXECUTIVE DEPARTMENT

Section 1. Composition

Section 1. (A) The executive branch shall consist of a governor, lieutenant governor, secretary of state, attorney general, treasurer, and all other executive offices, agencies, and instrumentalities.

(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, and duties and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated according to function, within not more than twenty departments.

Source: La. Const. Art. V, §§1, 18; Art. VII, §55; Art. XII, §5 (1921).

Comment: The 1921 Constitution provides for an "executive department" of state government composed of 10 officials, nine of whom are elected. The constitution also provides for an elected attorney general who is an officer of the judicial department, and an elected superintendent of education.

The proposed section defines the "executive branch of state government as including five statewide elected officials and all other agencies, offices, and instrumentalities having executive functions. Deleted as elected officials are the comptroller, register of the land office, commissioner of insurance, commissioner of agriculture, custodian of voting machines, and superintendent of education. The commissioner of conservation is no longer listed as a constitutional officer to be appointed by the governor. The attorney general is classified as an executive rather than a judicial officer. The proposed section also provides for a maximum of twenty departments in the executive branch to be grouped according to function.

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide elective office a person must have attained the age of twenty-five years by the date of his election and be a citizen of the United States and of this state for at least five years immediately preceding the date of his election. He shall hold no other public office, except by virtue of his office, during his tenure in office.

(B) The attorney general shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

Source: La. Const. Art. V, §3; Art. VII, §56; Art. XIX, §4 (1921).

Comment: The 1921 Constitution provides that no person shall be eligible to the offices of governor and lieutenant governor who is "less than thirty years of age", or who has not "for at least the ten years preceding his election" been a citizen of both the state and the United States, or who "holds office under the United States at the time of the election". The attorney general is required, by the 1921 Constitution, to be "learned in the

law", and to have "resided and practiced law" as a "duly licensed attorney" in the state for "at least the five years" preceding his election. These officials and all other statewide elected officers are subject to a general constitutional prohibition against dual office-holding; otherwise, there are presently no constitutional eligibility requirements for eight of the eleven elected executive officers.

The proposed section sets the minimum age for eligibility to all statewide elective positions at twenty-five, and the period of state and national citizenship at five years immediately preceding election. The provision against dual office-holding is extended to all offices except those held ex officio. The proposed section also requires that the attorney general shall have been admitted to the practice of law in Louisiana for at least five years immediately preceding his election.

Section 3. Elections and Terms

Section 3. (A) The governor, lieutenant governor, secretary of state, attorney general, and treasurer shall each be elected statewide for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the next succeeding term.

(B) The returns of the election of such officials shall be transmitted to and be promulgated by the secretary of state in a manner as may be provided by statute. The person having the greatest number of votes for each office shall be declared elected.

(C) If two or more persons have an equal, and the highest number of votes for an office, they shall draw lots to determine the result. The secretary of state shall arrange for the drawing of lots within ten days after the election results are promulgated, and the decision as to the winner shall be final and conclusive. Election contests shall be decided by the courts as may be provided by statute.

(D) The term of office of each elected official shall begin at noon on the second Monday in March next following the election.

(E) No official shall be elected statewide, except as provided by this constitution.

Source: La. Const. Art. V, §§2, 3, 4, 18; Art. VII, §55; Art. XII, §5 (1921).

Comment: The section provides that all statewide elected officials in the executive branch shall be elected to serve four-year terms.

In Paragraph (A) the elective offices of comptroller, register of the land office, commissioner of agriculture, commissioner of insurance, custodian of voting machines, and superintendent of education are deleted from the source provisions in conformity with provisions of Section 1.

An elected governor continues to be prevented from serving from more than two consecutive terms. The provision that a person succeeding to the governorship, with more than one-half a term remaining, can serve only one consecutive term is new.

In Paragraph (B) the secretary of state rather than the legislature as in the source provision promulgates the election returns of all statewide elective officers.

Paragraph (C) which provides that tie votes shall be decided by drawing of lots by the two candidates receiving the same and highest number of votes is new.

In Paragraph (D) the time of taking office for executive officers is changed from the first day following announcement of their election by the legislature, as provided in the 1921 Constitution, to noon on the second Monday in March following their election. (Note: The Schedule must provide that incumbent terms are not affected by this change.)

Paragraph (E) is new, and provides that no official shall be elected statewide except those named in the constitution.

Section 4. Compensation

Section 4. (A) The compensation of each elected official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected. No state official shall receive a salary in excess of that paid to the governor.

(B) The lieutenant governor when acting as governor shall receive the same salary as the governor, and an appointed assistant when acting as an elected official shall receive the same salary as the elected official.

Source: La. Const. Art. III, §34; Art. V, §§5, 7, 20; Art. VII, §57 (1921).

Comment: The 1921 Constitution sets the salaries of constitutional officers, and provides that the salary of any public officer may be changed by a two-thirds vote of the membership of each house of the legislature. The present constitution also provides that the lieutenant governor when discharging the duties of governor shall receive the same compensation as the governor.

The proposed revision authorizes the legislature to fix the salary of each elected official within the executive branch. The revision prohibits an increase or decrease in salary for the term for which the official is elected. The proposed section further provides that no state official shall receive a salary in excess of that paid to the governor.

The proposed section also provides that compensation of constitutional successors to elected officials in the event of vacancies, absences, or inability shall be the same as that of the elected official.

Section 5. Powers and Duties of Governor

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state.

Source: La. Const. Art. V, §§2, 14 (1921).

Comment: This paragraph changes the source provision that the "supreme executive power" is vested in the governor and, instead, designates him as the state's "chief executive officer". The source provision requiring the governor to take care that the "laws be faithfully executed" is changed to require him to "faithfully support the constitution and laws of the state".

(B) Legislative Reports and Recommendations. The governor shall at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

Source: La. Const. Art. V, §13 (1921).

Comment: The 1921 Constitution requires the governor to give periodic reports to the legislature concerning affairs of the state and to recommend measures for its consideration.

The proposed section requires the governor to make such reports and recommendations to the legislature at the beginning of each regular session, including information on the financial condition of the state. He may make such reports and recommendations at other times.

(C) Reports and Information. All department heads shall provide the governor with reports and information in writing or otherwise request by him on any subject relating to their respective departments excepting matters relating to investigations of the governor's office.

Source: La. Const. Art. V, §13; Art. VI, §39 (1921).

Comment: The 1921 Constitution permits the governor to require written information and financial reports from all agencies in the executive branch of state government and from certain local units of government.

The proposed section requires "department heads" to provide the governor with information on their departments when so requested. Information on matters relating to investigations of the governor's office is excepted from the requirement.

(D) Operating Budget. The governor shall prepare the state's annual operating budget, and shall transmit copies thereof to the legislature at least two weeks prior to the first day of each annual session. Upon adoption of the operating budget by the legislature, it shall become the official state budget and shall be executed and administered by the governor. Total appropriations for the year shall not exceed annual revenues as anticipated by the governor in the operating budget.

SOURCE: New

Comment: The provision requires the governor to prepare, execute, and administer the state budget which he is to present to the legislature at least two weeks before the first day of each annual session. Total annual appropriations shall not exceed annual anticipated revenues as determined by the governor in the operating budget.

(E) Capital Budget. The governor shall prepare annually a five-year capital program and shall submit to each regular

session of the legislature a proposed capital budget as provided by statute implementing the first year of the program. All capital projects approved by the legislature shall be made a part of the capital budget, and the operating budget for each year shall provide for amortization of the cost of each such capital project.

Source: New

Comment: The provision requires the governor to prepare annually a five-year capital program and a capital budget which shall include all capital projects. The annual operating budget is to provide funds for amortization of capital costs.

(F) Pardon, Commutation, Reprieve, Remission. Except in cases of conviction upon impeachment, the governor may reprieve, may grant commutation of sentence, and may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses. In addition, the legislature may provide additional methods for the foregoing and other post-conviction remedies.

Source: La. Const. Art. V, §10 (1921).

Comment: The 1921 Constitution grants the governor power to grant reprieves for all offenses against the state. Except in cases of impeachment or treason, he is empowered to grant pardons, commute sentences, and remit fines and forfeitures on recommendation of a majority of a pardon board consisting of the lieutenant governor, attorney general, and the presiding judge of the sentencing court. The governor may, under present law, grant temporary reprieves for treason, but the final pardoning power for this crime is vested in the legislature. The source provision requires automatic pardons for first-offender felons upon completion of their sentence.

The proposed section permits the governor to reprieve, grant commutation of sentence, and pardon those convicted of offenses against the state, except in cases of conviction upon impeachment. The governor also may remit fines and forfeitures. The legislature is authorized to provide additional methods for post-conviction remedies. The provision for a three-man pardon board is deleted from the present source.

(G) Signature on Bills; Veto. The date and time when each bill passed by the legislature is delivered to the governor shall be entered thereon. He shall then have thirty calendar days within which to act on it. If he approves, he shall sign it. If he disapproves, he shall veto it, giving his reason therefor, and if the legislature is in session, he shall return it to the house in which it originated within twenty-four hours. If he fails to veto within the time otherwise provided by this constitution, it shall become law.

Source: La. Const. Art. III, §8.2; Art. V, §§15, 17 (1921).

Comment: The source provisions require that the governor sign all bills passed by both houses of the legislature. Certain legislative documents, such as resolutions and proposed constitutional amendments, are specifically exempted from requiring his signature. Presently, the governor must act on a bill within ten days after he receives it; otherwise, it becomes law. Procedural details for vetoing, overriding vetoes, and promulgation of signed legislation are set forth in the source provisions.

The proposed section revises the present law by deleting all references to legislative action on vetoes, with the understanding that these provisions will appear in the proposed article dealing with the legislature. It is also assumed that the provision exempting legislative documents from gubernatorial signature will be included in the legislative article. As in the present law, the proposed section provides that bills sent to the governor must be documented on receipt of their delivery to the governor, and reasons must be given for his vetoes. Under the new provision the governor has thirty rather than ten days in which to act; if he fails to act within the time limit, the bill becomes law.

(H) Appropriation Bills. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall either veto line items, or use other means provided in the bill, in order that total appropriations for the year shall not exceed anticipated revenues for the year.

Source: La. Const. Art. V, §16 (1921).

Comment: Paragraph (1) which permits the governor to veto line items in an appropriation bill restates the source provision without substantive change. Paragraph (2) requires the governor either to veto line items in an ap-

proprietion bill, or use other means given in the bill to assure that total appropriations for the year do not exceed anticipated revenues.

(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

(2) Should the legislature be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm an appointment prior to the end of the session shall be equivalent to rejection.

(3) Should the legislature not be in session, the governor may make interim appointments which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during such session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

Source: La. Const. Art. IV, §1(a); Art. V, §§8, 10; Art. VI, §22(e); Art. VIII, §18 (1921).

Comment: The 1921 Constitution requires the governor to appoint, with senatorial confirmation, constitutional officers whose appointment or election is not otherwise provided for in the constitution. The legislature is permitted to provide the mode of filling statutory offices. The proposed section requires the governor to appoint, with senatorial confirmation, all statutory and constitutional executive department heads and all boards and commission members whose election or appointment is not otherwise provided for by the constitution or by statute.

Under the present law commissions must be signed by the governor and countersigned by the secretary of state. The governor is authorized to make recess appointments where not otherwise provided for in the constitution. Commissions granted for recess appointments are to expire at the end of the next legislative session. Failure of the governor to send a name to the Senate is equivalent to rejection, and persons rejected cannot be appointed to the same office during a Senate recess. The proposed section is substantially the same as the present law, except that should the legislature be in session, the governor must submit names for Senate confirmation within forty-eight hours after the appointment is made. Failure of the Senate to confirm an appointee before the end of a session is equivalent to rejection. The provision requiring signatures on commissions has been deleted.

(J) Removal. The governor may remove from office those whom he appoints, except those appointed for a term fixed by this constitution or as may be fixed by statute.

Source: New
Comment: Under the present constitution the governor has no general authority to remove those whom he appoints. Appointed officers are subject to constitutional removal by impeachment, recall, and removal by suit in district courts. (See 1921 Constitution, Art. IX, §1).

The proposed section allows the governor to remove without cause those whom he appoints, except those appointed for fixed terms.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

Source: La. Const. Art. XVII, §2 (1921).

Comment: The proposed section restates the source provision without substantive change. Authority is granted to the governor to call out the militia for any emergency as well as for the specifically named purposes of preserving law and order, suppressing insurrection, and repelling invasions.

(L) Extraordinary Session. (1) The governor may convene the legislature into extraordinary session by issuance of a proclamation to the legislature at least five days prior to

the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene, and the number of days for which the legislature is convened. The subject matter of the session may be amended, by proclamation to the legislature, until forty-eight hours prior to the hour at which the legislature convenes. The power to legislate, under the penalty of nullity, shall be limited to the subjects specially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time named therein, and shall not exceed thirty days.

(2) The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Source: La. Const. Art. V, §14 (1921).

Comment: The present constitution permits the governor to convene the legislature in special session in cases of emergencies and on other occasions as he sees fit, and requires him to do so when petitioned by the legislature. Procedural details concerning petitions, notices, and proclamations are given. Special sessions, except in cases of emergency, are limited to 30 days and the power to legislate is confined to the subjects enumerated in the call. When the governor convenes the legislature into special session on his own initiative, except for emergencies, he must give five days notice to the legislature.

The proposed revision relates only to special sessions called by the governor and deletes all references to procedures whereby the legislature can convene itself into special session. It is assumed that power of the legislature to convene itself will be provided in the legislative article.

The governor, under the proposed revision may convene the legislature in emergencies without prior notice or proclamation. He may do so at other times by issuing a proclamation to the legislature at least five days prior to the convening of the session. The sessions are to be limited by the items in the proclamation and the proclamation cannot be amended for a 48-hour period prior to the hour at which the legislature convenes. Special sessions continue to be limited to 30 days. Much of the procedural detail concerning calls for special sessions has been clarified or deleted.

Section 6. Powers and Duties of the Lieutenant Governor

Section 6. The lieutenant governor shall serve ex officio as a member on every committee, board, and commission on which the governor serves, exercise the powers delegated to him by the governor, and have such other powers and perform such other duties in the executive branch as may be authorized by this constitution or provided by statute.

Source: La. Const. Art. IV, §1(a); Art. V, §§8, 10; Art. VI, §22(e); Art. VIII, §18 (1921).

Comment: The 1921 Constitution provides that the lieutenant governor shall be ex officio president of the Senate with authority to break tie votes. He is also named by the Constitution as a member of the State Highway Advisory Board, the Board of Liquidation of State Debt, the Board of Registration, and the State Pardon Board.

The proposed revision provides that the lieutenant governor shall serve ex officio on every statutory committee, board, and commission on which the governor serves, exercise powers delegated to him by the governor, and perform other executive functions as may be provided by the constitution or statute.

Section 7. Powers and Duties of the Secretary of State

Section 7. There shall be a department of state headed by the secretary of state, who shall serve as the chief elections officer and administer the election laws; administer the laws relative to voting machines or other voting devices as now or may be hereafter provided by this constitution or as may be provided by statute; administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives and records of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; countersign all commissions and keep an official registry of same; administer oaths. He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Source: La. Const. Art. V, Sec. 21; Art. VI, §22(e) (1921).

Comment: The 1921 Constitution provides that the secretary of state shall be a member of the State Highway Ad-

visory Board. It also sets forth in various provisions a number of ministerial duties of the secretary relative to the publication of legislation, countersigning of commissions, receiving and recording of public notices, petitions, and election returns.

The proposed section is a new provision which creates a department of state, headed by the secretary of state. It sets forth the duties of the secretary which are similar to his present constitutional and statutory duties, except that the secretary is given constitutional authority to administer election laws, including the voting machine law. Since 1960 the custodian of voting machines, a statewide elected official, has administered the state's voting machine law. From 1940 to 1960, the law was administered by a board of voting machines and a custodian, who was the secretary of state. The secretary of state was a member of the board from 1940 to 1959.

Section 8. Powers and Duties of the Attorney General

Section 8. There shall be a department of justice, headed by the attorney general who shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

- (1) institute, and prosecute or intervene in any legal actions or other proceedings, civil or criminal;
- (2) exercise supervision over the several district attorneys throughout the state; and
- (3) for cause, supersede any attorney representing the state in any civil or criminal proceeding.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Source: La. Const. Art. III, §31; Art. V, §10; Art. VI, §22(e); Art. VII, §§55, 56 (1921).

Comment: The 1921 Constitution creates the office of attorney general as a statewide elective official in the judicial branch. His powers and duties are established in various constitutional articles. Primarily, the attorney general is to institute, prosecute, and intervene in criminal or civil suits in which the state has an interest, and to supervise district attorneys. The official is also made a member of the State Highway Advisory Board, the Legislative Bureau, and the State Pardon Board.

The proposed section places the attorney general and the department of justice in the executive branch. The attorney general is made the state's "chief legal officer" and, in addition to the duties presently granted, he is given authority to supersede, for cause and when necessary for the interest of the state, any attorney representing the state in a civil or criminal proceeding.

The revision of this Section will serve to void the ruling in *Kemp v. Stanley*, 204 La. 110, 15 So. 2d 1 (1943) which limited the authority of the attorney general to intervene in legal matters in which the state has an interest.

Section 9. Powers and Duties of the Treasurer

Section 9. There shall be a department of treasury headed by the state treasurer who shall be responsible for the custody, investment, and disbursement of the public funds of the state. He shall report annually to the governor and the legislature one month in advance of the regular session on the financial condition of the state, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Source: Art. IV, §1(a); Art. VI, §22(e) (1921).

Comment: Fiscal duties of the treasurer are set forth in various articles and sections of the present constitution. The treasurer is a constitutional member of the State Highway Advisory Board and the Board of Liquidation of State Debt.

The proposed section creates a treasury department to be headed by a state treasurer. The treasurer is responsible for the "custody", investment, and disbursement of state funds. He is required to make an annual financial report to the governor and the legislature.

Section 10. First Assistants

Section 10. Each statewide elected official, except the governor and lieutenant governor, shall each appoint a first assistant, subject to confirmation by the Senate, and may remove him at his pleasure. The official shall submit such

appointment to the Senate in the same manner in which the governor submits appointments, and shall be subject to the same procedures and limitations in connection therewith as are imposed upon the governor. The first assistant shall possess the same qualifications as those required for election to that office.

Source: La. Const. Art. V, §18; Art. VII, §55 (1921).

Comment: The 1921 Constitution permits a number of statewide elected officials to appoint and remove assistants who, under certain conditions, have authority to perform acts and duties of the elected officer.

The proposed section requires Senate confirmation of the appointed assistants of the secretary of state, attorney general, and treasurer, with provision for their removal at the pleasure of the appointing officer. The first assistant is required to have the same qualifications as are required for those elected to the office.

Section 11. Vacancy in Office of Governor

Section 11. The order of succession in the office of governor in the event of vacancy shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the speaker of the House of Representatives, and then as may be provided by statute. Successors shall serve the remaining term for which the governor was elected.

Source: La. Const. Art. V, §6 (1921).

Comment: The 1921 Constitution establishes the following order of succession in case of vacancy in the office of governor: lieutenant governor, president pro tempore of the Senate, secretary of state acting until a president pro tempore is elected.

In the proposed section the first priority in the event of a vacancy in the office of governor is given to statewide elected officials, followed by legislative officers and, thereafter, as the legislature may provide by law. Successors are to serve the unexpired term for which the governor was elected.

Section 12. Vacancy in Office of Lieutenant Governor

Section 12. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

Source: La. Const. Art. V, §9 (1921).

Comment: The 1921 Constitution provides that in the event of a vacancy in the office of the lieutenant governor, the president pro tempore of the Senate shall discharge the duties of the office.

The proposed section requires that a vacancy in the office of lieutenant governor be filled by an appointee of the governor confirmed by the legislature.

Section 13. Vacancies in Other Statewide Elective Offices

Section 13. The order of succession in any other statewide elective office, in the event of a vacancy in such office, shall be the appointed first assistant in such office. Successors to such offices shall serve for the remainder of the term for which the official was elected.

Source: La. Const. Art. V, §18; Art. VII, §56 (1921).

Comment: The 1921 Constitution provides that the attorney general shall appoint a first assistant who, in case of a vacancy in the office of attorney general, shall perform the duties of the office until another attorney general has been elected and qualified.

The 1921 Constitution also provides that statewide elected officials, exclusive of the governor, lieutenant governor, commissioner of agriculture, and register of the state land office, are each authorized to appoint and remove an assistant who may perform duties of the office when the elected official is absent or unable to act.

The proposed section provides that appointed first assistants of elected officials, exclusive of the governor and lieutenant governor, shall succeed to the elective offices in the event of vacancies in these offices. As successor, the assistant will serve the unexpired term for which the official was elected.

Section 14. Other Vacancies

Section 14. (A) Where no other provision therefor is made by this constitution, by statute, by local government charged, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, and the unexpired portion of the term of office is more than one year, the vacancy shall be filled at an election within six months, as may be provided by statute. The appointment provided

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for herein shall be effective only until a successor is duly elected and qualified.

(B) Nothing in this Section shall be construed as changing the qualifications for the various offices involved, and all appointments must be of persons who otherwise would be eligible to hold offices to which appointed.

Source: La. Const. Art. III, §8; Art. V, §18; Art. VI, §§19, 26; Art. VII, §69; Art. X, §2; Art. XII, §§4, 7 (1921).

Comment: The 1921 Constitution contains a number of separate provisions and considerable procedural detail requiring the governor to fill vacancies in particular offices. It also contains a general provision allowing the governor to make appointments not otherwise provided for in the constitution.

The proposed section is a general provision which requires the governor to fill vacancies in elective offices if not otherwise provided for in the constitution, by statute, by local government charter, or by ordinance. Elections are to be held within a six-month period following the occurrence of a vacancy where the unexpired term is longer than one year, and in any such case, the governor is to make appointments only until a successor is elected. Other procedures are to be determined by law. Gubernatorial appointees to vacancies must possess the same qualifications as required by law for persons elected to the position.

Section 15. Definition of Vacancy

Section 15. A vacancy as used in this constitution shall occur in the event of death, resignation, removal by any means, or the failure to take office for any reason.

Source: New

Comment: The proposed section provided a general statement that a vacancy occurs only in the event of death, resignation, removal by any means, or failure to take office.

Section 16. Declaration of Disability

Section 16. Whenever a statewide elective official transmits to the presiding officer of the Senate and the speaker of the House of Representatives a written declaration that he is unable to discharge the powers and duties of the office and until he transmits to them a written declaration to the contrary, the person succeeding to the office in the event of a vacancy shall assume the powers and duties of the office as acting official.

Source: La. Const. Art. V, §§6, 18 (1921).

Comment: The 1921 Constitution provides that in case of the inability of the governor to act, the powers and duties of his office shall devolve upon the same officers who succeed to governorship in the event of a vacancy. Successors act until the inability of the governor is removed.

The 1921 Constitution also provides that the statewide elective officers who are authorized to appoint assistants may direct the assistants to carry out duties of the office in event of the official's inability to act.

The proposed section applies to all statewide elected officials. It allows each official to make an official declaration of his inability at the time it commences and at the time it ceases. The constitutionally named successor acts for the official during the period of inability.

The proposed section is similar to disability provisions of the federal constitution. (Amendment XXV, § 3)

Section 17. Determination of Inability

Section 17. (A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the legislature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to exercise the powers and perform the duties of his office. Thereafter the constitutional successor shall assume the office as acting official unless, within forty-eight hours after such filing in the office of the secretary of state, such official files in said office and transmits to said presiding officers his written counter-declaration that he is able to exercise such powers and perform such duties.

(B) The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration,

which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two hours declaring that probable justification for the determination that inability exists, such officer shall continue or resume in office.

(C) Should two-thirds of the elected members of each house so adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

(D) By preference and priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to said court under such rules as it may adopt.

(E) A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration, determine that no inability then exists, whereupon such officer shall immediately resume the powers and duties of his office.

Source: New

Comment: The proposed section, similar to inability provision of the federal constitution (Amendment XXV, § 4) provides a procedure whereby the inability of statewide elected officials can be determined.

The procedure is initiated by a written declaration by the elected officials acting in concert, and the officer declared disabled has the privilege of responding to their declaration. If there is a difference of opinion about the cessation of the disability, the legislature may resolve by a two-thirds vote that "probable cause" for inability exists, and the issue shall then be finally decided by the state supreme court both initially and on reconsideration.

Section 18. Absences

Section 18. In the event of a temporary absence of the governor from the state, the lieutenant governor shall act as governor. In the event of a temporary absence of a statewide elected official from the state, the appointed first assistant shall act in his absence.

Source: La. Const. Art. V, §§6, 18 (1921).

Comment: The 1921 Constitution provides that during absences of the governor, the powers and duties of the office shall devolve upon persons named as successors to the office in case of a vacancy. An 1874 Louisiana case held that "the absence must be such as would affect injuriously the public interest" before powers and duties would devolve on the lieutenant governor. The 1921 Constitution also provides that other named statewide elected officials may appoint assistants who then "shall" act for them during their absences.

The proposed section provides that constitutionally named successors are required to act on behalf of the elected officials, whether or not so requested, when the elected officers are temporarily absent.

Section 19. Dual Office-Holding; Prohibition

Section 19. (A) No person holding, under the government of this state or any of its political subdivisions, any office or employment of trust or any office or employment which entitles him to any per diem, salary or other emolument of office shall at the same time hold any other such office or employment with the United States, any foreign power, or any other state; nor shall any such person hold more than one such office or employment with this state or any of its political subdivisions.

(B) For purposes of this Section, the following shall not be considered to be offices or employment described in Paragraph (A) of this Section: (1) ex officio positions; (2) notaries public; (3) those serving on boards, commissions, and other instrumentalities performing only advisory functions; (4) delegates to, as well as officials and employees of, any constitutional convention; (5) members in the reserve of the armed forces and the national guard; and (6) election commissioners.

Source: La. Const. Art. XIX, §4 (1921).

Comment: The proposed section prohibits any person holding a state or local office of employment or trust which entitles him to a per diem, salary, or emolument from holding any other such office or employment under the United States, a foreign power, or any other state. A

person is prohibited from holding more than one office of trust or employment with the state or any of its political subdivisions. Specific exceptions are listed.

Section 20. Code of Ethics; Board of Ethics

Section 20. (A) The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of all state employees and elected officials.

(B) The legislature shall create a board or boards of ethics which shall investigate all allegations of violations of such a code, and shall have such other powers and duties consistent therewith as may be provided by statute.

Source: La. Const. Art. XIX, §27 (1921).

Comment: The proposed section mandates the legislature to enact a code of ethics for state employees and elected officials. Sections in the source provision stating a preamble and declaration of policy have been deleted. Also deleted are provisions naming specific boards and provisions for appellate procedures.

Paragraph (B) requires the legislature to create a board or boards of ethics to investigate violations of the ethics code.

Section 21. Impeachment

Section 21. (A) Any state and district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office, or for gross misconduct.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office and shall prohibit the official from holding any office under the government of this state or any of its political subdivisions. Nothing herein shall be construed to prevent any other action, prosecution, or punishment authorized by statute.

Source: La. Const. Art. IX, §31, 2 (1921).

Comment: The proposed section makes a number of changes in the impeachment provisions of the 1921 Constitution.

In Paragraph (A) the grounds for removal have been changed to include commission or conviction of felonies or malfeasance during a term of office, or gross misconduct. Eliminated are "high crimes and misdemeanors in office", "incompetency", "corruption", "favoritism", "extortion", "oppression in office", and "habitual drunkenness".

In (B) the phrase "and shall disqualify any judge or district attorney, or attorney general from practicing law" which appears in the 1921 provision has been deleted as has the provision that a supreme court judge shall preside when the governor is on trial. Conviction results in immediate removal from office and bars future office holding.

Under the 1921 constitutional provision, officers are suspended when impeachment proceedings are begun. This provision has been deleted from the proposed section.

Section 22. Reorganization

Section 22. The governor may propose to the legislature, on or before the first day of any session, a plan of reallocation of the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments. The legislature, by a majority vote of the elected members of each house, may disapprove such plan, but may not substantively amend it.

Source: La. Const. Art. III, §32; Art. V, §1 (1921).

Comment: The 1921 Constitution vests the power of reorganization in the legislature. The proposed section would give the governor constitutional authority to reallocate nonconstitutional executive functions, powers, duties, and responsibilities into not more than 20 departments. The legislature could disapprove the governor's plan by a majority vote of elected members, but could

substantively not amend it. The governor's plan would have to be submitted on the first day of a legislative session.

Section 23. Mandatory Reorganization

Section 23. The legislature shall allocate the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments, such allocation to become operative on or before eighteen months after the effective date of this constitution. Such legislative allocation shall not be subject to the governor's veto. Should the legislature fail to make such allocation, the governor within six months shall effect such allocation by executive order.

Source: New

Comment: The proposal for scheduling reorganization would require the legislature to initiate a reorganization of the executive branch into not more than 20 departments, exclusive of constitutional powers and duties, on or before 18 months after the effective date of this constitution. The governor cannot veto the allocation, but if the legislature fails to act, the governor can reorganize by executive order.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 5—

ARTICLE IV. EXECUTIVE DEPARTMENT

Section 1. Public Service Commission

Section 1. (A) Composition; Term. There shall be a Public Service Commission which shall consist of five members elected at the time fixed for congressional elections from separate districts as may be established by statute for overlapping terms of six years. The commission annually shall elect a chairman from one of its members.

Source: La. Const. Art. VI, §§3, 8 (1921).

Comment: The proposed revision changes the composition of the Public Service Commission from three to five members and retains the six-year term of office and time of election. Staggered terms of the commissioners are to be implemented by the legislature. Deleted are provisions relating to conflict of interest, transition from Railroad Commission of Louisiana to Louisiana Public Service Commission, salary, expenses, employees, and domicile. The present provision establishing three specific geographic districts to be replaced with a provision for five new districts as may be established by law. The commission is to elect a chairman from one of its members.

(B) Powers and Duties. Except as otherwise provided by this constitution the commission shall regulate all common carriers and other public utilities. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have such other powers and perform such other duties as may be provided by statute.

Source: La. Const. Art. VI, §4 (1921).

Comment: The proposed revision shortens the present constitutional provision. It provides no substantive change except deletion of the prohibition against the commission's jurisdiction over direct sales of natural gas to industry. That prohibition is presently provided in La. R.S. 45:303. The power of the commission to regulate common carriers and public utilities is limited by other applicable constitutional provisions; under present constitutional law, it is not so limited.

The phrase "common carriers and other public utilities" is intended to include all carriers and utilities specifically enumerated in the present constitution.

(C) Limitation. The commission shall have no power to regulate any class of common carrier or public utility owned, operated, or presently regulated by the governing authority of any one or more political subdivisions, except by the consent of a majority of the electors voting in an election held for that purpose; provided, however, that such political subdivision may reinvest itself with such regulatory power in the same manner as it was surrendered.

Source: La. Const. Art. VI, §7 (1921).

Comment: The revised section shortens but provides no substantive change from the present constitutional provisions.

(D) Decisions on Applications, Petitions, and Schedules.

(1) The commission shall render its final decision on applications, petitions, and proposed rate schedules within

twelve months from the date such application, petition, or proposed schedule is filed.

(2) If its decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved and, pending final approval, modification, or rejection may be put into effect subject to such protective bond or security requirements as may be provided by statute. If the commission disapproves the proposed schedule, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort, to cover any refund that may be finally directed. Refund claims therefor in the manner provided by statute shall be filed within one year after such final action.

(3) Any utility filing a proposed rate schedule shall, within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would become applicable. Any person affected by the proposed rate schedule may intervene and may, should the commission not render its decision within twelve months, appeal as if such decision had been rendered.

Source: La. Const. Art. VI, §§5, 6 (1921).

Comment: The 1921 Constitution provides that orders of the Public Service Commission establishing common carrier or public utility rates shall go into effect when fixed by the commission and remain until set aside by the commission or the courts. Conditions for issuance of temporary restraining orders are given. Orders of the commission are enforced subject to constitutional penalties.

The proposal provides that rate schedules become tentatively approved, subject to statutory bond or security requirements, if the commission does not act within six months from the time the schedule is filed. If the commission fails to act within 12 months, persons affected by rate schedules may intervene and file suit as if the decision had been rendered. If the commission disapproved the rate schedule, the rates may be placed in effect under bond or security pending judicial review. Refund suits may be filed only within one year after court action. There are no penalty provisions in the proposed revision.

(E) Appeals. Appeals from the orders of the Public Service Commission must be filed with the district court, at the domicile of the Public Service Commission, with a direct appeal to the supreme court, as a matter of right.

Source: La. Const. Art. VI, §5 (1921).

Comment: The 1921 Constitution provides that appeals from orders and decrees of the Public Service Commission shall be filed with the Nineteenth Judicial District Court and thereafter directly with the Louisiana Supreme Court. Provisions in the present source relating to trial procedures, delays, and bond requirements when the commission appeals have been deleted from the proposed revision. Otherwise, no substantive changes have been made from the present constitutional provision.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 6—

ARTICLE V. JUDICIARY DEPARTMENT

Section 1. Judicial Power

Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and such other courts as this constitution may authorize.

Section 2. Needful Writs, Habeas Corpus, Orders and Process

Section 2. A judge may issue a writ of habeas corpus and all other needful writs, orders and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or court of appeal is subject to review by the whole court. The power of a court to punish for contempt shall be limited by law.

Section 3. Supreme Court; Membership; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a judge of the supreme court shall be fourteen years.

Section 4. Supreme Court; Districts

Section 4. The state shall be divided into at least six

supreme court districts, with at least one judge elected from each. The present districts and the number of judges assigned to each are retained, subject to change by a two-thirds vote of the elected members of each house of the legislature.

Section 5. Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) The supreme court has general supervisory jurisdiction over all other courts. It may promulgate procedural and administrative rules not in conflict with law. It may assign a sitting or retired judge to another court.

(B) The supreme court has exclusive original jurisdiction of disciplinary proceedings involving members of the bar.

(C) In civil cases, the supreme court's jurisdiction extends to both the law and the facts except as otherwise provided in this constitution. In criminal matters, its appellate jurisdiction extends to questions of law only.

(D) The following cases shall be appealable to the supreme court:

(1) A case in which a state law has been declared unconstitutional;

(2) A criminal case in which the penalty of death or imprisonment at hard labor may be imposed, or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed.

(E) Subject to the provisions of Subsection (C), the supreme court has appellate jurisdiction over all other issues involved in any civil action properly before it.

Section 6. Supreme Court; the Chief Justice

Section 6. (A) When a vacancy in the office of chief justice occurs, the judge oldest in point of service on the court, below the age of sixty-five years, shall succeed to the office.

(B) The chief justice shall be chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme court; Judicial Administrator, Clerk, and Staff

Section 7. The supreme court shall have authority to select a judicial administrator, its clerks, and other personnel, and prescribe their duties.

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Term

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each circuit. Each court shall sit in panels of at least three judges selected according to rules adopted by the court. A majority of the judges sitting in a case must concur to render judgment. The term of a court of appeal judge shall be twelve years.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. One or more judges may be elected at large from within the circuit. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by a two-thirds vote of the elected members in each house of the legislature.

Section 10. Courts of Appeal; Appellate and Supervisory Jurisdiction

Section 10. (A) Except in those cases appealable to the supreme court and as otherwise provided in this constitution, a court of appeal has appellate jurisdiction of all civil cases decided within its circuit. It has appellate jurisdiction of all matters appealed from the family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over all cases in which an appeal would lie to that court.

(B) Except where limited to questions of law by this constitution or, as provided by law in the case of review of administrative agency determination, its appellate jurisdiction extends to both the law and the facts.

Section 11. Courts of Appeal; Certifications to Supreme Court of Questions of Law; Determination

Section 11. A court of appeal may certify to the supreme court any question of law before it, whereupon the supreme court may give its binding instruction, or consider and decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge; Duties

Section 12. When a vacancy in the office of chief judge of a court of appeal occurs, the judge oldest in point of service on the court, below the age of sixty-five years, shall succeed to the office and shall administer the court, subject to rules adopted by the court.

Section 13. Courts of Appeal; Clerks and Staff

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Section 13. Each court of appeal shall have authority to select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts

Section 14. The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

Section 15. District Courts; Judicial Districts; Changes; Terms

Section 15. (A) The district courts, the civil and criminal district courts, and the judicial districts existing at the time of the adoption of this constitution are retained. The legislature, by a majority vote of the elected members of each house, with approval in a referendum in each district or parish affected, may establish or merge judicial districts or may merge a criminal and a civil district court in a parish, subject to the limitations of Section 23 of this Article.

(B) The term of a district judge shall be six years. Terms established for judgeships existing at the time of the adoption of this constitution are retained; however, the legislature by a majority vote of the elected members of each house, with approval in a referendum in the parish affected, may reduce the term for district judges in a parish to not less than six years.

Section 16. District Courts; Original Jurisdiction

Section 16. (A) Unless otherwise provided or authorized in this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive original jurisdiction of all felony cases involving the title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state; a political corporation, or a succession, as a party defendant, regardless of the amount in dispute; and the appointment of receivers or liquidators to corporations or partnerships.

(B) A civil district court shall have civil jurisdiction as provided for in Subsection (A) and a criminal district court shall have criminal jurisdiction as provided for in Subsection (A).

Section 17. District Courts; Chief Judge

Section 17. Each district court may elect from its members a chief judge who shall exercise such administrative functions as prescribed by rule of court.

Section 18. Juvenile Courts; Jurisdiction

Section 18. The jurisdiction of a juvenile court shall be as provided by law.

Section 19. Courts of Special and Limited Jurisdiction

Section 19. Parish, city, municipal, traffic, family, and juvenile courts existing at the time of the adoption of this constitution are retained. The legislature, by a majority vote of the elected members of each house, and with approval in a referendum in each district, parish, or portion affected may establish, abolish, or merge trial courts of limited or specialized jurisdiction subject to the limitations in Sections 16 and 23 of this Article.

Section 20. Parish Courts

Section 20. (A) Notwithstanding the provisions of Sections 15 and 19 to the contrary, the legislature may, by a majority vote of the elected members of each house, and with approval in a referendum in the parish affected, establish in that parish, a parish court. Other courts of limited or specialized jurisdiction in the parish may be simultaneously abolished.

(B) The jurisdiction of parish courts shall be uniform throughout the state and such courts shall be limited to the trial of misdemeanors, and of civil matters not exceeding the value or sum of three thousand five hundred dollars, exclusive of interest and costs. A judge of said court shall be elected for a term of six years.

Section 21. Mayors' Courts; Justices of the Peace; Continued

Section 21. A mayor's court or justice of the peace existing at the time of the adoption of this constitution is continued subject to change by the legislature.

Section 22. Recording of Proceedings; All Courts

Section 22. All proceedings in all courts in this state shall be recorded when requested.

Section 23. Judges; Term of Office or Compensation May Not Be Decreased

Section 23. The term of office or compensation of a judge

shall not be decreased during the term for which he is elected.

Section 24. Judges; Election; Vacancy in Office

Section 24. (A) The election of judges shall be held at the regular congressional election.

(B) A newly-created judgeship or a vacancy in the office of any judge shall be filled by a special election which shall be called by the governor, and held within six months of the day the vacancy occurs or the judgeship is created, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for judge to the office, to serve at its pleasure, who shall be ineligible to be a candidate for election to the judgeship.

(C) All judges serving on the date of adoption of this constitution shall continue in office for the term to which elected and shall serve through December thirty-first of the last year of their term or, if the last year of their term is not in the even-numbered year of a general judicial election, then through December thirty-first of the year next succeeding. The election for next term in the office will be held in a general judicial election of the year the term expires, as provided above.

Section 25. Retirement of Judges

Section 25. (A) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided herein.

(B) A judge or judicial administrator in office or retired at the time of the adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, including the right to remain in office, as judge, during his present term, provided under the previous constitution or laws, nor shall the benefits to which his surviving spouse thereof was entitled be reduced.

(C) The legislature shall provide a retirement system for judges which shall apply to a judge taking office after the effective date of the statute enacting the system, and which a judge in office at the time of its adoption may elect to join.

(D) Until the legislature enacts the retirement system authorized in Subsection (C), a judge taking office after the adoption of this constitution and a judge in office who so elects within ninety days of the adoption of this constitution by notifying the secretary of state, shall be entitled to the following retirement benefits:

(1) This subsection applies to a judge of a court authorized by this constitution, except mayors and justices of the peace.

(2) A judge with sixteen years of judicial service may retire; a judge with twelve years of judicial service is eligible for retirement benefits at the age of sixty. On retirement, a judge shall receive annually as retirement benefits that portion of his annual average compensation for his three highest years which the number of years served bears to twenty-five, but not more than seventy-five percent.

(3) A judge who is physically or mentally incapacitated to perform his duties, as determined by the supreme court upon the advice of two physicians appointed by the court, shall be retired. He shall receive as annual retirement benefits two-thirds of his annual salary, or that portion of his average annual salary for the three highest years which the number of years served bears to twenty-five, whichever is greater.

(4) Upon the death of a judge, in office or retired, the surviving spouse, until remarriage, shall be entitled to one-third of his annual salary as judge prior to death or retirement, or one-half the retirement benefits he was receiving or entitled to receive at the time of his death, whichever is greater. If the judge is not survived by a spouse, or if the spouse dies, his unmarried children shall be entitled to the benefits provided in this subsection until the age of eighteen.

(5) Benefits provided herein shall be paid from the same sources as was his compensation as judge. The legislature and the political subdivisions shall provide for the payment of these benefits.

(6) To receive the benefits provided in this subsection the judge shall contribute a total of six percent of his salary to the paying authorities.

Section 26. Judges; Qualifications; Practice of Law Prohibited

Section 26. A judge of the supreme court, court of appeal, district court, or parish court shall have been admitted to the practice of law for at least five years prior to his election, shall have been domiciled in the respective circuit,

district, or parish for at least two years immediately preceding election, and shall not practice law.

Section 27. Judiciary Commission; Membership; Terms; Vacancy; Grounds for Removal; Powers

Section 27. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; three attorneys admitted to the practice of law for at least ten years who are not judges, active or retired, nor public officials, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, appointed by the Louisiana District Judges' Association or its successor.

(B) A member of the commission shall serve a four-year term and shall not be eligible to succeed himself.

(C) A member's term shall terminate when he loses the status causing his appointment or when any event occurs which would have made him ineligible for appointment.

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the appointing authority for the position for which the vacancy occurred.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

Section 28. Department of Justice; Composition; Attorney General; Election and Assistants

Section 28. There shall be a department of justice consisting of an attorney general, a first and second attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

Section 29. Attorney General; Qualifications; Powers and Duties; Vacancy

Section 29. Attorney General; Qualifications; Powers and assistants shall have resided in this state and been admitted to the practice of law for at least five years preceding their selection. The attorney general shall attend to, and have charge of all legal matters in which the state has an interest, or to which the state is a party, with power and authority to institute and prosecute or to intervene in any and all suits or other proceedings, civil or criminal, as shall be necessary for the assertion or protection of the rights and interests of the state.

In case of a vacancy in the office of attorney general, the first assistant attorney general shall perform the duties of the attorney general until his successor is elected and qualified.

Section 30. District Attorney; Election; Qualifications; Assistants

Section 30. In each judicial district a district attorney shall be elected by the qualified electors of the district for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select his assistants and other personnel and prescribe their duties.

Section 31. Defense of Criminal Prosecution; Removal

Section 31. No district attorney or assistant district attorney shall appear, plead or in any way defend, or assist in defending any criminal prosecution or charge. A violation shall be cause for removal.

Section 32. Sheriff; Duties; Tax Collector

Section 32. In each parish, a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and licenses as provided by law.

Section 33. Clerks; Election; Powers and Duties; Deputies; Office Hours

Section 33. (A) In each parish, a clerk of the district court shall be elected by the qualified electors of the parish for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have such other duties and powers as may be prescribed by law. The clerk may appoint deputies with such duties and powers as may be prescribed by law and he may appoint, with the approval of the district judges, minute clerks with such duties and powers as may be prescribed by law.

(B) The legislature shall establish statewide uniform office hours for all clerks of district courts.

Section 34. Coroner; Election; Term; Qualifications; Duties

Section 34. In each parish, a coroner shall be elected for a term of four years with such qualifications and duties as may be prescribed by law.

Section 35. Vacancies

Section 35. Until filled by election as provided by law, when a vacancy occurs in the following offices, the duties of the office shall be assumed by: in the case of sheriff, the chief criminal deputy; district attorney, the first assistant; clerk of a district court, the chief deputy; coroner, the chief deputy. If there is no such person to assume the duties at the time of the vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

Section 36. Reduction of Salaries and Benefits Prohibited

Section 36. The attorney general, a district attorney, a sheriff, or a clerk of the district court shall have neither his salary nor retirement benefits diminished during his term of office.

Section 37. Orleans Parish, Officials; Continued

Section 37. Notwithstanding any provisions of Sections 32 and 33 of this Article to the contrary, the following officers in Orleans Parish are continued, subject to change by a majority vote of the elected members of each house of the legislature and by approval in a referendum in the parish: the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages, all of which shall be elected for four-year terms with such duties and powers as provided by the legislature. Their terms of office, retirement benefits, or compensation shall not be reduced during their terms of office.

Section 38. Jurors; Qualifications; Selection

Section 38. A citizen of the state who has reached majority is eligible to serve as a juror. The supreme court by rule shall provide for the selection of jurors.

Section 39. Grand Jury

Section 39. There shall be a grand jury or grand juries in each parish whose duties and responsibilities shall be provided by law and whose qualifications shall be as provided in Section 38 of this Article. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 7—

ARTICLE IX. EDUCATION

Section 1. Educational Goals

Section 1. The goal of the public educational system shall be to provide at all stages of human development, learning environments and experiences that are humane, just, and designed to promote excellence in order that every individual may be afforded the opportunity to develop to his full potential.

Source: La. Const. Art. XII, §3 (1921).

Comment: Revises the present provision by defining the purpose of education. Changes the present requirement that there be taught only fundamental branches of study, including instruction upon the constitutional system of state and national government and the duties of citizenship.

Section 2. Public Educational System

Section 2. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system consisting of all public schools and institutions of learning supported in whole or in part by state funds, the funds of any political subdivision thereof, or both.

Source: La. Const. Art. XII, §1 (1921).

Comment: Requires the legislature to provide for the education of the people of the state by establishing and maintaining a system of public education. Changes the language of the first unnumbered paragraph by deleting "school children" and adding "people".

Deletes the second unnumbered paragraph.

Deletes the third paragraph of the present provision with respect to age at which children may enter public school and kindergarten.

Section 3. State Board of Elementary and Secondary Education

Section 3. (A) Creation; function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law. The board shall have such other specific powers, duties, and responsibilities as are provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; terms. The board shall consist of seven members who shall be appointed by the governor, with the consent of the Senate, from the state at large, and an additional number of members equal to the number of congressional districts into which the state is divided, one of whom shall be elected from each of such districts, as provided by law. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or the legislature, as the case may be, in a manner as to effectuate this purpose.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

Source: La. Const. Art. XII, §§4, 6, 7B (1921).

Comment: Removes the authority of the board to supervise institutions of higher education. Changes the composition of the board. Requires the governor to appoint seven members of the board. Requires an election for an additional number of members, equal to the number of congressional districts into which the state is divided. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or legislature. The present provision requires that the membership of the board be composed of 11 members; three elected from the Public Service Commission Districts for terms of six years, and eight members elected from districts corresponding to the congressional districts, for terms of eight years.

Continues the existing authorization to the legislature to prescribe the duties and specific powers of the board. The board may not control the business affairs of parish schools boards or the selection or removal of officers and employees.

Authorizes the board to supervise, control, and assume budgetary responsibility for all funds appropriated by the state for all schools under its jurisdiction.

Section 4. State Superintendent of Public Elementary and Secondary Education

Section 4. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. He shall be the ex officio secretary of the board and shall serve as its chief executive officer.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents and such additional qualifications as may be fixed by law.

(C) Functions. The powers, duties, responsibilities, and salary of the state superintendent of public education shall be prescribed by law.

(D) Vacancy. A vacancy in the office of state superintendent of public education for any cause except expiration of the term shall be filled by the governor for the remainder of the unexpired term.

Source: La. Const. Art. XII, §5 (1921).

Comment: Establishes that there shall be an elected state superintendent of public education for elementary and secondary schools.

The superintendent shall be the ex officio secretary of the Board of Elementary and Secondary Education. Retains the term of office of four years.

Deletes the salary of the superintendent and authorizes the legislature to prescribe the salary, powers, duties, and responsibilities.

Requires that the superintendent possess the same qualifications as required of parish superintendents and additional qualifications as may be fixed by law.

Specifies that a vacancy in the office for any cause except expiration of the term shall be filled by the governor for the remainder of the unexpired term.

Section 5. Qualifications and Certification of Teachers

Section 5. The board shall prescribe and provide for the qualifications to be met by teachers and for the certification of teachers of public elementary and secondary and special schools.

Source: La. Const. Art. XII, §7B (1921).

Comment: Retains the authority of the board to determine the qualifications of teachers and for the certification of teachers in public elementary and secondary and special schools.

Section 6. Approval of Private Schools; Effect

Section 6. The board may approve private schools whose sustained curriculum is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Source: La. Const. Art. XII, §7B (1921).

Comment: Retains the power of the board to approve private schools. The certificates issued by private schools approved by the board shall carry the same privileges as those issued by state public schools.

Section 7. Board of Regents

Section 7. (A) Board of Regents; establishment. There is created a body corporate known as the Board of Regents. The board shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have such other powers, duties, and responsibilities as are provided in this Section and by law.

(B) Board membership; terms. The members of the board shall be appointed by the governor with the consent of the Senate for overlapping terms of six years, following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Board members; per diem and expenses. The members of the Board of Regents, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Trustees for State Colleges and Universities, and any other board created pursuant to this Article shall serve without pay, but the legislature may fix the per diem and expenses to be paid to them.

(D) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

(E) Powers of the board. (1) The board shall have coordinating responsibilities as it relates to the elementary and secondary educational curricula. (2) The board shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

(a) To revise or eliminate any existing degree program, department of instruction, division, or similar subdivision.

(b) To approve, disapprove, or modify any proposed degree program, department of instruction, division, or similar subdivision.

(c) To study the need for and feasibility of any new institution of post-secondary education, including branches of

institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution is proposed, or an additional management board for an institution or group of institutions is proposed, or a proposal is made to transfer an existing institution from one board to another, the board shall report its findings and recommendations within one year to the legislature. Only after this written report has been filed, or if no report is filed within one year, the legislature may take affirmative action on such a proposal by vote of two-thirds of the membership of each house.

(d) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

(e) To require the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other board hereafter created pursuant to this Section to submit to it, at times specified by it, their annual budget proposals for the operational and capital needs of each institution under the control of each. The Board of Regents shall submit its recommendations on budgets for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements.

(F) Powers not vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested in the Board of Regents by this Section are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and to the Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Section.

Source: La. Const. Art. XII, §§2, 6, 7, 9 (1921).

Comment: Restructures and seeks to strengthen the governance of higher education. Deletes the Louisiana Coordinating Council for Higher Education provided for in Article XII, Section 7C. Creates the Board of Regents and provides that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Trustees for State Colleges and Universities be subordinate to it. Requires the governor to appoint, with senate consent, the members of the board consisting of two from each congressional district and one from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be fixed by law. Prescribes the manner of filling vacancies by the governor.

Retains the provision that the legislature may fix the per diem and expenses to be paid to members of boards aforementioned.

Authorizes the board to plan, coordinate, and assume budgetary responsibility for all public higher education and post-secondary vocational-technical training and career education, and to have such other powers, duties, and responsibilities as provided by law.

Revises Sections 2 and 6 and provides that the board shall have coordinating responsibility as it relates to the elementary and secondary educational curricula.

All management powers not specifically vested in the Board of Regents are reserved to the boards described in this Section.

Section 8. Board of Trustees for State Colleges and Universities

Section 8. (A) Creation; powers. There is created a body corporate known as the Board of Trustees for State Colleges and Universities which, subject to the powers vested in the Board of Regents by this Article, shall have:

(1) Supervision and management of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and any other board hereafter created pursuant to this Article.

(2) Unless and until the legislature shall provide otherwise, supervision and management of all public institutions of vocational-technical training and career education at post-secondary levels.

(B) Board Membership; terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Source: La. Const. Art. XII, §§4, 7, 9, 26 (1921).

Comment: The proposed provision creates and substitutes the Board of Trustees for State Colleges and Universities for the State Board of Education and gives it the managerial responsibility now exercised by the State Board of Education as it relates to higher education. Deletes that part of Section 9 of Article XII as it relates to listing the institutions declared to be institutions of higher learning subject to the direct supervision of the State Board of Education and as it relates to appropriation of not less than \$700,000, for the support and maintenance of said institutions being recommended by the State Board of Education.

Deletes that part of Section 26 of Article XII that requires that the New Orleans Branch of Southern University be under the direct supervision, control, and management of the Louisiana State Board of Education.

The proposed provision provides that, subject to the powers vested in the Board of Regents, the board shall have supervision and management over higher education not included under the supervision and management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and supervision and management over post-secondary vocational-technical training and career education unless the legislature provides otherwise.

Requires the governor to appoint, with senate consent, the members of the board consisting of two from each congressional district and one from the state at large. All members shall serve overlapping terms of six years, following the initial term which shall be fixed by law.

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Source: La. Const. Art. XII, §§7, 25 (1921).

Comment: Revises Section 7A of Article XII. Changes the term of office of members of the board from 14 years to six years and provides that all members shall serve overlapping terms of that duration following the initial terms which shall be fixed by law. Deletes the provision that the governor shall be an ex officio member of the board.

Provides that the board shall, subject to power vested in the Board of Regents, supervise and manage the Louisiana State University system.

Requires the governor to appoint, with senate consent, the members of the board consisting of two from each congressional district and one from the state at large.

Provides that the governor fill vacancies.

Section 10. Minority Representation

Section 10. An appropriate number of citizens from the predominant minority race of the state shall be included on the State Board of Elementary and Secondary Education, the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other board created pursuant to this Article.

Source: New

Comment: Requires appropriate representation from the predominant minority race of the state on all boards aforementioned and any board created pursuant to this Article.

Section 11. Boards; Dual Membership Prohibited

Section 11. No person shall be eligible to simultaneously serve on more than one board created by or pursuant to this Article.

Source: New

Comment: The proposed provision prohibits dual membership on boards responsible for public education.

Section 12. Parish School Boards; Parish Superintendents

Section 12. (A) Parish School Boards. The legislature shall create parish school boards and shall provide for the election of the members of such boards.

(B) Parish Superintendents. Each parish board shall elect a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.

Source: La. Const. Art. XII, §10 (1921).

Comment: Revises the present provision. Deletes the last sentence which provides that where parishes contain a municipality with a population in excess of one-half of the population of the entire parish, it shall have representation proportionate to its population on the parish board.

Section 13. Recognition of Existing Boards and Systems; Consolidation

Section 13. (A) Recognition of Boards and Systems. Parish and city school board systems, in existence on the effective date of this constitution, by virtue of special or local legislative acts or previous constitutional provisions, are hereby recognized, subject to control by and supervision of the State Board of Elementary and Secondary Education and the power of the legislature to enact laws affecting them.

(B) Consolidation. Two or more school systems may be consolidated under procedures enacted by the legislature, subject to approval of a majority of the qualified electors voting in each system affected in an election called for that purpose.

Source: La. Const. Art. XII, §11 (1921).

Comment: Rewords the present provision without substantive change.

Provides for the consolidation of two or more school systems subject to procedures prescribed by the legislature and approval of a majority of the electors voting in a election for that purpose.

Section 14. Appropriations; Boards

Section 14. The legislature shall appropriate funds for the operating and administrative expenses of the boards created pursuant to this Article.

Source: La. Const. Art. XII, §8 (1921).

Comment: Revises the present provision by requiring the legislature to provide funds for the operation and administration of the boards.

The present provision prohibits the State Board of Education to create or maintain administrative departments in which salaries or expenses are payable from state funds, unless authorized by the legislature.

Deletes the requirement that the legislature shall prescribe the terms under which funds offered for educational purposes shall be received and disbursed.

Section 15. Appropriations; Higher Education

Section 15. Appropriations for the institutions of higher education and post-secondary vocational-technical training and career education shall be made to their respective managing boards. The appropriations shall be administered by the managing boards and used solely for the operations of the institution for which designated in the appropriations.

Source: La. Const. Art. XII, §9 (1921).

Comment: Revises that part of Section 9 dealing with appropriations. Proposed provision requires appropriations for the institutions of higher education and post-secondary vocational-technical training and career education to be made to their respective board for the use of the institution for which designated.

Section 16. Funding; Elementary and Secondary Schools; Apportionment

Section 16. (A) State Funds. State funds for the support of the public schools of elementary and secondary levels shall be derived from the sources and shall be apportioned to the parish and city school boards in the manner hereinafter set forth:

First: After dedication of annual amounts required by his constitution to be deducted from the first moneys available to the State Severance Tax Fund, and after deduction of not to exceed five hundred thousand dollars per annum to pay for the costs of collecting this tax and administering the laws pertaining to the conservation of the natural resources of the state, out of the first moneys comprising the residue then existing in the fund, the legislature shall appropriate funds to supply free school books and other materials of instruction prescribed by the State Board of Elementary and Secondary Education. After July first of each year, the state treasurer shall set up a fund for the payment of the amounts set forth in Paragraph (A) of this Section. When sufficient funds have accumulated in the fund for the payment of the moneys required for the purposes above mentioned including school books and materials of instruction, then, before the tenth day of each month, the state treasurer shall transfer to a fund in the state treasury designated as the State Public School Fund such balances as have accrued.

Second: The proceeds of particular taxes now or hereafter levied by the legislature and dedicated, appropriated, or otherwise made available to the State Public School Fund or for the support of public schools.

Third: Such other funds as the legislature has provided or hereafter provides for the support of public schools.

(B) Allocation of Funds. The funds specified in Paragraph (A) hereof shall be apportioned as follows:

(1) Minimum program. There shall be appropriated from the State Public School Fund and from the State General Fund sufficient funds to insure a minimum program of education in all public elementary and secondary schools. The minimum program of education to be maintained in all parish and city school systems shall be established by the State Board of Elementary and Secondary Education. The board shall adopt formulas and procedures for the distribution of these funds to the several school boards.

(2) Other state funds. Any other funds provided by the legislature for the support of public schools shall be apportioned and distributed in accordance with a formula established by the State Board of Elementary and Secondary Education, except as otherwise specifically provided for by the law appropriating the funds.

(3) Other funds. Any funds for public education from any other source shall be distributed in the manner determined by the State Board of Elementary and Secondary Education subject, however, to the terms of the laws governing such funds or the lawful stipulations of the source of the funds.

(C) Local Funds. The local funds for the support of elementary and secondary public schools shall be derived from the following sources:

First: Each parish school board, the parish of Orleans excepted, and no other parochial or municipal authority, except as otherwise specifically provided for in this constitution, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish.

Second: The provisions of Paragraph (C) First above shall not apply to property within a municipality which is exempt from parochial taxation. In lieu of that the governing authority of each of these municipalities shall levy a tax annually and shall collect and pay, to the parish school board in which such municipality is situated, out of the proceeds of the general ad valorem tax for municipal purposes, such an amount as shall equal the rate of five mills levied hereunder by the parish school board.

The provisions of Paragraph (C) First shall not apply to municipalities which under constitutional or legislative authority are actually operating, maintaining, and supporting a separate city system of public schools. In lieu of such tax, however, the school board in each such municipality

shall levy an annual tax of five mills on the dollar on the assessed valuation of all property within the municipality. The proceeds thereof shall be used exclusively for the support of the public schools.

Third: The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

Fourth: For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall be levied and collected until the principal and interest on the bonds or other debts have been paid.

Fifth: The legislature may provide for additional sources of local support for elementary and secondary schools.

(D) Monroe, Bogalusa; Treatment as Parishes. For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities.

(E) Ouachita Parish. The school board of Ouachita Parish shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without the limits of said city and who may attend the schools maintained by the city of Monroe under its legislative charter.

Source: La. Const. Art. XII, §§8, 14, 15 (1921).

Comment: Revises Sections 14 and 15 of the present constitution. Deletes Section 14 First because of obsolescence. Stipulates the sources and apportionment of funds for public elementary and secondary schools. Sources: (1) The legislature shall appropriate funds, for free school books and materials of instruction, from the residue of the State Severance Tax Fund. The appropriation shall be made after a deduction of an amount annually dedicated from the first monies of the fund, and after a deduction of an amount, not in excess of \$500,000, for the costs of collecting the tax and administering the laws pertaining to the conservation of natural resources. The state treasurer shall set up a fund for the payment of the amounts set forth and shall establish the State Public School Fund. (This dedication of funds shall be removed if no dedications of funds are involved in the proposed constitution).

(2) Proceeds from taxes levied by the legislature, dedicated, appropriated, or otherwise made available to and for the support of public schools.

(3) Other funds provided by the legislature, or other sources. This provision revises that portion of Article XII, §8 of the present constitution which says that the legislature shall prescribe the terms under which funds offered for educational purposes shall be received and disbursed. The funds set forth in Paragraph A hereof shall be apportioned by the formulas, procedures, and manner established by the State Board of Elementary and Secondary Education except as otherwise specifically provided by the law or sources of the funds.

(4) Local funds shall be derived in the manner prescribed by law allowing the levy of taxes for that purpose in the parishes and municipalities.

Retains the present provision which regards Bogalusa and Monroe on the same basis and gives them the same

authority in respect to this Section as though they were separate parishes.

Retains the present provision, Art. XII, Section 15 Seventh which exempts Ouachita Parish from the payment of per capita contributions for children living in the parish but attending city schools.

Section 17. Tulane University

Section 17. The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with provisions of the Legislative Act No. 43 approved July 5, 1884.

Source: La. Const. Art. XII, §24 (1921).

Comment: Retains the present provision without change.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 8—

ARTICLE VI. LOCAL GOVERNMENT

Section 1. Parishes; Ratification of Boundaries, Creation, Consolidation, and Dissolution

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

(B) The legislature shall provide by general law for the creation, consolidation, or dissolution of parishes under the limitations hereinafter provided. No new parish shall contain less than six hundred and twenty-five square miles, or less than fifty thousand inhabitants, and no parish shall be reduced below that area or number of inhabitants.

Source: La. Const. Art. XIV, §§1, 4 (1921).

Comment: Paragraph (A) ratifies existing parish boundaries.

Paragraph (B) increases the population requirement for creation of new parishes from 7,000 to 50,000 inhabitants.

Section 2. Change of Parish Lines; Election

Section 2. Before taking effect any law changing parish lines, consolidating parishes, dissolving parishes, or creating new parishes shall be submitted to the electors of the parishes to be affected at a special election held for that purpose. The change shall take effect only if two-thirds of the total vote cast on the question in each affected parish is in favor thereof.

Source: La. Const. Art. XIV, §§2, 4 (1921).

Comment: The proposed section provides for consolidation, dissolution, changing parish lines, and creation of new parishes only after approval by a two-thirds vote of the electors voting on the question in each affected parish. The source provides that parishes may be dissolved and merged by a two-thirds vote of the electors voting on the question in the parish to be dissolved and approval by a majority vote of the electors voting on the question in the parish or parishes into which the dissolved parish is to become incorporated.

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Source: La. Const. Art. XIV, §5 (1921).

Comment: The proposed section is a restatement of the source provision and makes no change in the law.

Section 4. Change of Location of Parish Seat

Section 4. Upon the written petition of not less than twenty-five percent of the electors, as certified to by the registrar of voters, the governing authority of a parish shall call an election on the question of changing the location of the parish seat. The location of a parish seat shall not be changed unless two-thirds of the total vote cast on the question is in favor thereof.

Source: La. Const. Art. XIV, §2 (1921).

Comment: The proposed section retains the requirement of a two-thirds approval by the electors voting at a special election to effect a change in the location of the parish seat and adds the method by which said election shall be called.

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter; however, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by special law as long as such municipality continues to operate under such charter.

Source: La. Const. Art. XIV, §§10, 40 (1921).

Comment: The proposed section authorizes the legislature to

provide for incorporation, consolidation, merger and government of municipalities only by general law. The source provision prohibiting the enactment of special laws to affect the charter of a municipality is retained without substantive change.

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes; provided, however, no statute which is applicable to fewer than six parishes or municipalities shall become operative in any such parish or municipality until approved by ordinance enacted by the governing authority of the parish or municipality.

Source: La. Const. Art. XIV, §22 (1921).

Comment: (a) Under the source provision, legislation applicable to fewer than the five largest cities of the state would not become operative in the city of New Orleans until approved by a majority of the electors of that city voting on the question.

(b) The revision deals with laws which classify either parishes or municipalities and provides that if a law is applicable to fewer than six parishes or municipalities, the law becomes operative in the parish or municipality to which it applies only if approved by the governing authority of the parish or municipality. Thus, the law becomes operative in a municipality or parish where it is approved, even if it does not become operative in others.

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

Section 7. (A) The plans of government and home rule charters of the parishes of East Baton Rouge, Jefferson, and Plaquemines and of the cities of New Orleans, Baton Rouge, and Shreveport shall remain in effect, and may be amended, modified, or repealed as provided therein. Each of them shall retain the authority, powers, rights, privileges, and immunities granted by its charter. Each shall be subject to the duties imposed by the applicable constitutional provisions under which its plan or charter was adopted. Each of them also shall enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, including Sections 8 and 10 of this Article, unless the exercise of such powers and functions is prohibited by its charter.

(B) Every other home rule charter adopted or authorized when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in the charter.

Source: La. Const. Art. XIV, §§3(a), 3(c), 3(second d), 22, 37 (1921).

Comment: (a) The source provisions provide in detail for the establishment and operation of the plan of government for the parishes of East Baton Rouge and Jefferson, and the cities of Baton Rouge, New Orleans, and Shreveport. Since the source provisions provide for purely local matters, it is not necessary to include the detailed provisions in the text of the constitution.

(b) Under Const. Art. XIV, §3(second d), detailed procedures are set out for the adoption of a charter commission form of parish government. Such a plan of government has been adopted in Plaquemines Parish and is specifically ratified in this Section.

(c) The proposed section authorizes existing home rule charter local governments to exercise the powers and functions granted in proposed Sections 8 and 10 of this Article, relative to powers and functions of other local governmental subdivisions and home rule charter governments adopted under the provisions of proposed Section 10, unless the exercise thereof is prohibited by its charter.

(d) Paragraph (B) gives effect to any home rule charter adopted or authorized but not effective on the effective date of the new constitution.

Section 8. Home Rule Charter

Section 8. (A) Any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rules charter in accordance with the provisions

of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than fifteen percent of the electors who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted when approved by a majority of the electors who vote on the charter proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph A of this Section; provided, however, that at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph B of this Section.

(E) A home rule charter, or any amendment thereto, adopted pursuant to the provisions of this Section, shall provide for the structure, organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise and performance of any power and function necessary, requisite, or proper for the management of its affairs, not denied by general law or this constitution; provided, however, the legislature shall not pass any law the effect of which changes, modifies, or affects the structure, organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter. Each of them shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, including Section 10 of this Article, unless the exercise of such powers and functions is prohibited by its charter.

Source: La. Const. Art. XIV, §40 (1921).

Comment: (a) The source required the legislature to enact general laws under which a municipality could adopt a home rule charter (see R.S. 33:1381 et seq.).

(b) The proposed section authorizes a local governmental subdivision or two or more local governmental subdivisions to draft, adopt, or amend a home rule charter form of government if approved by a majority of the electors voting on the question.

(c) A method whereby electors may petition the governing authority to prepare a charter is provided in the revision and is new.

(d) A local governmental subdivision is authorized to provide for its structure, organization, powers, and functions in its home rule charter, to include any power and function necessary, requisite, or proper for the management of its affairs, not denied by general law or the constitution.

(e) The proposed section authorizes home rule charter local governments created under this Section to exercise the powers and functions granted in the new constitution, particularly those in Section 10 of this Article, relative to powers and functions of other local governmental subdivisions, unless the exercise thereof is prohibited by its charter.

Section 9. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 9. When two-thirds of the electors as certified by the registrar of voters of an unincorporated settlement in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, such cities, towns, and villages may be incorporated; provided, however, no such newly incorporated area shall include any property previously included in any industrial area or district.

Source: New

Comment: The proposed section authorizes the incorporation

of settlements in parishes operating under a home rule charter or home rule plan of government. The Revised Statutes set forth the requirements that must be met before incorporation is possible (R.S. 33:32-33, 51-52).

Section 10. Powers of Other Local Governmental Subdivisions

Section 10. (A) Any local governmental subdivision may exercise and perform any power and function necessary, requisite, or proper for the management of its affairs not denied to it by its charter, by this constitution, or by general law, including but not limited to the power (1) to legislate upon, regulate, conduct, and control all matters of local governmental administration; (2) to define the powers, duties, and qualifications of parochial or municipal employees; (3) to provide for the protection of the public health, safety, morals, and welfare; (4) to create special districts; (5) to license; (6) to tax under the limitations provided in this constitution or the general laws of this state; (7) to incur debt and issue bonds, except as otherwise provided in this constitution.

(B) Any local governmental subdivision may exercise concurrently with the state any power or function pertaining to its government and affairs to the extent that the legislature by general law does not specifically limit the concurrent exercise of any such power or functions or specifically declare the state's exercise of any such power or function to be exclusive except as provided in this Article.

(C) Powers and functions of local governmental subdivisions shall be construed liberally in favor of such local governmental subdivisions.

Source: New

Comment: (a) The provisions in the proposed section grant broad powers of local self-government to local governmental subdivisions which do not operate under a home rule charter. The grant of powers is accomplished in two ways. First, local governmental subdivisions are given general authority to exercise any power and perform any function relating to their government and affairs not denied by its charter, this constitution, or general law. Second, four important powers—to regulate, to license, to tax, and to incur indebtedness—are enumerated in the powers given to local governmental subdivisions.

(b) Paragraph (B) allows local governmental subdivisions to exercise concurrent power with the state unless such exercise is prohibited or limited by the legislature.

(c) For a similar provision see the Illinois Constitution, Art. VII, §6(a), 6(i), 6(m) (1970).

Section 11. Limitations of Local Governmental Subdivisions

Section 11. Local governmental subdivisions do not have the power (1) to incur debt payable from ad valorem tax receipts maturing more than forty years from the time it is incurred; (2) to define and provide for the punishment of a felony; or (3) to enact private or civil ordinances governing civil relationships.

Source: New

Comment: (a) Enumerates three restrictions on the broad grant of power given local governmental subdivisions in Section 10 of this Article.

(b) For a similar provision, see the Illinois Constitution, Art. VII, §6(d) and Model State Constitutions, Sixth Edition (Revised), Art. VIII, §8.02 (1968).

Section 12. Local Officials

Section 12. The electors of each local governmental subdivision shall have the exclusive right to elect the members of their governing authority and, if a plan, or form of government or home rule charter so provides, their chief executive officer at elections held in accordance with the election laws of the state. Such officials shall not be subject to removal by the legislature. The salaries of these officials shall not be reduced during the terms for which they are elected.

Source: La. Const. Art. XIV, §40(b) (1921).

Comment: The proposed section retains the source provision but broadens it to include parish officials.

Section 13. Filling of Vacancies; Appointment

Section 13. (A) Vacancies occasioned by death, resignation, or otherwise, in the office of police juror, city council, parish or municipal governing authority, or special district thereof, mayor, and any other local official elected within

the boundaries of the local governmental subdivision, shall be filled by appointment by the governing authority of the local governmental subdivision, unless otherwise provided in this Article.

of the affected local governmental subdivision. Vacancies in the membership of city or parish school boards shall be filled by appointment by the remaining members thereof. A tie vote by the governing authority of the local governmental subdivision or school board shall be broken by its presiding officer regardless of the fact that he may already have voted as a member of the appointing body.

(B) If, at the time a vacancy occurs in an elective office for which appointment is provided in Paragraph A of this Section, the unexpired portion of the term of office is more than one year, a special election to fill the vacancy shall be called by the governing authority, and held without the necessity of a call by the governor, not more than six months nor less than three months, after first receipt of notice of the vacancy by the secretary of state, to be given as hereinafter provided, in the local governmental subdivision or special district thereof in which the vacancy occurred, and in such case the appointment provided for in Paragraph A of this Section shall be effective only until a successor is duly elected and qualified.

(C) Upon being informed of the occurrence of a vacancy in any of the offices specified in Paragraph A of this Section, the clerk or chief clerk of the district court in the parish where the vacancy occurred, and in the parish of Orleans the clerk or chief clerk of the criminal district court, shall, within twenty-four hours after being thus informed, notify the secretary of state in writing by registered or certified mail of the occurrence of the vacancy. Upon receipt of such notice, the secretary of state shall, within twenty-four hours after such receipt, notify in writing by registered or certified mail all election officials, including party committees and boards of supervisors of elections, having any duty to perform in connection with a special election to fill such vacancy, of the occurrence of the vacancy.

(D) Nothing in this Section shall be construed as changing the qualifications for the various offices involved and all appointments must be of persons who would otherwise be eligible to hold offices to which appointed.

(E) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivision.

(F) Vacancies occasioned by death, resignation, or otherwise in the office of sheriff, assessor, clerk of a district court, or coroner shall be filled by appointment by the governing authority of the parish at the time and in the manner provided in Paragraphs (B) and (C) of Section 14 of this Article.

(G) The provisions of this Section shall not apply to the office of judge of any state court of record or district attorney.

Source: La. Const. Art. VII, §69 (1921).

Comment: (a) The proposed section authorizes the governing authority of the local governmental subdivision wherein the vacancy occurs, rather than the governor, to fill vacancies. Deleted from the source provision are the elected offices of district judge and district attorney.

(b) The proposed section does not apply to local governmental subdivisions operating under a home rule charter.

(c) Other provisions in the proposed section restate the source provision and make no change in the law.

Section 14. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 14. No law requiring an increase in expenditures, or deductions from the funds of a political subdivision for salaries of local public officials or for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, or an increase in commission of or for local political subdivision offices, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided.

Source: New

Comment: (a) The proposed section allows the legislature

to enact laws relative to salaries of local public officials or wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees or commissions of or for political subdivision offices. However, any law requiring an increase in expenditures or deductions from the funds of a political subdivision will not be effective unless the legislature appropriates the funds to the political subdivision to cover the increase or the governing authority of the political subdivision approves the increase.

(b) The proposed section allows the legislature to enact laws relative to civil service, minimum wages, working conditions, and retirement benefits for firemen and policemen to be effective without the appropriation of funds or approval by the governing authority of the affected political subdivision.

Section 15. Appropriation to Political Subdivisions

Section 15. When the legislature appropriates funds to one or more political subdivisions and the legislature does not specify the purposes for which such funds shall be expended, or the amounts to be expended therefor, the expenditure of such funds shall be determined solely by the governing authority of the political subdivision or political subdivisions to which the funds are appropriated. The legislature may require a report concerning the allocation and expenditure of such funds.

Source: New

Comment: The proposed section grants to political subdivisions control over specific expenditure of funds appropriated by the legislature when the legislature fails to specify within the act making the funds available the particular purposes and amounts for which such funds shall be allocated.

Section 16. Creation of Special Districts; Authority

Section 16. The power of the legislature by general or special law to create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, to define their powers, and subject to the limitations imposed in this constitution, to grant the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including but not limited to, the power of taxation, the power to incur debt and issue bonds, and the power to reclaim property from the beds of lakes and streams, is hereby confirmed.

Source: New

Comment: (a) The proposed section not only clearly vests plenary authority in the legislature to create or authorize the creation of special districts and authorities of every type and define their powers, but also negates any argument that further constitutional authority is necessary for the legislature to exercise this function. The legislature will, however, be subject to limitations otherwise provided by this constitution, such as tax exemptions and debt limitations.

(b) The effect of the proposed section is to remove from the 1921 Constitution the following provisions: (1) Lake Charles Harbor and Terminal District (§30.2); (2) navigation and river improvement districts (§§30.3 and 30.4); (3) Red River Waterway (-30.5); (4) garbage districts (§34); (5) Fourth Jefferson Drainage District (§35); (6) Jefferson Parish community center and playground districts (§36); (7) Jefferson Parish sewerage districts (§37.1); (8) Jefferson Parish public improvement districts (§38); (9) Calcasieu community center and playground districts (§39.1); (10) Jefferson Parish drainage districts (§43); (11) Sabine River Authority (§45); (12) Louisiana Stadium and Exposition District (§47). The foregoing list is not exclusive.

(c) It is the purpose of the proposed section to continue by legislative acts the special districts, boards, agencies, commissions, and authorities provided for in the present Article XIV. Legislation should be submitted to place them in the revised statutes.

Section 17. Governing Authorities of Local Governmental Subdivisions; Controls Over Agencies They Create

Section 17. (A) In addition to any other powers granted by the legislature, the governing authority of a local govern-

mental subdivision shall have the following powers over any agency heretofore or hereafter created by it: (1) to appoint and remove members of the governing body of the agency; (2) to exercise budgetary and fiscal control over the agency, including the power to modify or veto its operating budgets, or veto or reduce line items; or to substitute a different budget therefor; (3) to abolish the governing body of the agency and to substitute itself therefor, with authority to exercise all of its powers and functions; and (4) to abolish the agency if the obligations or indebtedness of the agency are not thereby impaired.

(B) No such agency shall have authority to levy a tax, impose any charge, or issue bonds unless the proposal therefor is first approved by the governing authority of the local governmental subdivision; provided, however, that after such original approval is granted no further approval shall be required.

(C) If the creation of the agency required the concurrence of two or more local governmental subdivisions, concurrence of all of them shall be required for the exercise of the above powers.

Source: La. Const. Art. XIV, §46 (1921).

Comment: The proposed section restates the source provision without substantive change, except it authorizes the governing authority of a local governmental subdivision to remove members of the governing body of an agency created by it and authorizes the governing authority of a local governmental subdivision to substitute itself for the governing board and to exercise all of its powers and functions.

Section 18. Special Districts and Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 18. (A) Any local governmental subdivision may consolidate and merge into itself any special district or public agency, except school districts, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger or consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or public agency. No such action shall take effect unless a majority of the electors in such special district and a majority of the electors in the local governmental subdivision who vote in an election held for that purpose vote in favor thereof.

(B) If the special district or public agency which is abolished has any outstanding indebtedness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by the governing authority or authorities of the local governmental subdivisions involved.

Source: La. Const. Art. XIV, §14(k) (1921).

Comment: (a) The source provides the legislature may authorize any parish to assume the debt of certain enumerated special districts. The proposed section authorizes any local governmental subdivision to merge into itself any district or public agency, except a school district, lying entirely within its boundaries. The requirement of legislative authorization is removed. The present provision requires a majority vote of property taxpayers voting on the question, in number and amount to approve the action. The proposed provision requires a majority vote of the electors. This brings the provision into conformity with recent United States Supreme Court decisions eliminating the taxpayer requirement for voting in such elections.

(b) The proposed section requires the local governmental subdivision to assume any indebtedness of the special district as a condition of the merger.

(c) The present provision only provides for merger when the special district has a debt. Under the proposed section, a local governmental subdivision may merge into itself a special district which has no debt.

Section 19. Historical Preservation Districts

Section 19. (A) In order to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas, and districts of historic or architectural interest or importance, each local governmental subdivision of the state, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

(B) The governing authority of each local governmental subdivision shall have the power and authority of review to affirm, reverse or modify, in whole or in part, any action or decision of such commissions.

Source: La. Const. Art. XIV, §22A (1921).

Comment: The source deals exclusively with the powers and duties of the Vieux Carre Commission. The proposed section authorizes local governmental subdivisions, acting through a commission or otherwise, to establish, operate, and maintain historical preservation areas or districts. No express reference is made to the Vieux Carre Commission.

Section 20. Acquisition of Property

Section 20. Subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Source: La. Const. Art. XIV, §14(b.1), (b.2), (d-1), (d-2), (d-4), (f), (f.1), (m), (m-1) (1921).

Comment: The source provision authorizes certain enumerated political subdivisions to acquire property. The revised section authorizes all political subdivisions to acquire property, subject to restriction imposed by general law.

Section 21. Servitudes of Way; Acquisition by Prescription

Section 21. The public, represented by the various political subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Source: La. Const. Art. XIV, §16 (1921).

Comment: The proposed Section retains the source provision and extends its applicability to include all political subdivisions instead of just parishes.

Section 22. Prescription Against State and Political Subdivisions

Section 22. Prescription shall not run against the state or any political subdivision or special district thereof in any civil matter, unless otherwise provided in this constitution or expressly by general law.

Source: La. Const. Art. XIX, §16 (1921).

Comment: The proposed section retains the source provision exempting the state from the running of prescription, and extends its application to political subdivisions and special districts.

Section 23. Zoning

Section 23. Local governmental subdivisions may enact land use regulations and zoning ordinances and create and classify therein residential, commercial, industrial, and other districts, and may regulate the preservation of the character of buildings, monuments, structures, and buildings and areas of historical importance. Local governmental subdivisions may create airport zones and regulate the heights of buildings, structures, and objects of natural growth in areas surrounding airports.

Source: La. Const. Art. XIV, §29 (1921).

Comment: The source provision grants zoning authority to municipalities generally, and to certain named parishes. The proposed section extends the general authorization to all local governmental subdivisions.

Section 24. Industrial Areas

Section 24. The legislature may authorize parishes to create industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. Parish industrial areas shall not be subdivisions of the state.

Source: La. Const. Art. XIV, §29.1 (1921).

Comment: The proposed section continues the legislative authority to permit parishes to create industrial areas, but removes the procedures and regulations in the source provision and leaves it to the discretion of the legislature.

Section 25. Assistance to Local Industry by Political Subdivisions

Section 25. (A) Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, in order (i) to induce and encourage the location of or addition to industrial enterprises therein, or (ii) to provide for the establishment and furnishing of industrial plants for the conversion or processing of raw farm or

agricultural products, or (iii) to provide movable or immovable property, or both, for pollution control facilities: (1) to issue bonds and use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (2) to acquire, through purchase, construction, or otherwise, and to improve, industrial plant buildings and industrial plant equipment, machinery furnishing, and appurtenances; and (3) to sell, lease, or otherwise dispose of all or any part of the foregoing.

(B) It is hereby found and declared that the purposes designed to be accomplished herein are public and proper legal purposes and will be of public benefit to the political subdivision issuing the bonds.

Source: La. Const. Art. XIV, §§14(b.2), (b.3), 33 (1921).

Comment: The source provision provides detailed procedures for the issuance of bonds by political subdivisions to induce, encourage, and aid the location of industry therein. Paragraph (A) of the proposed section adopts the principle that the legislature may authorize such bonds, and the detailed procedures for the issuance of the bonds are omitted from the constitution and should be placed in the statutes.

Section 26. Intergovernmental Cooperation

Section 26. (A) Any political subdivision may exercise and perform any of its authorized powers and functions, including the financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not by general or special law require political subdivisions to exercise or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature require consolidation of governmental functions of local governmental subdivisions; provided, however, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.

Source: New

Comment: (a) Paragraph (A) authorizes intergovernmental cooperation between political subdivisions, and between political subdivisions and the federal government.

(b) Paragraph (B) prohibits the legislature from requiring intergovernmental cooperation between political subdivisions but allows the legislature to authorize intergovernmental cooperation between political subdivisions subject to voter approval.

Section 27. Recall

Section 27. The legislature shall by general law provide for the recall of state, district, parish, municipal, or ward officers, except judges of the courts of record, and except wherein otherwise provided by this constitution. The sole issue to be voted on at any recall election shall be whether such officers shall be recalled.

Source: La. Const. Art. IX, §9 (1921).

Comment: The proposed section retains the source provision without substantive change.

Section 28. Uniform Procedure for Calling, Conducting, and Canvassing the Returns of Certain Special Elections

Section 28. When any election is required to be held in any political subdivision pursuant to the provisions of this constitution which requires submission to the electors of any proposition or question, such as the change of parish lines, change of location of parish seat, levying of taxes, issuance of bonds or incurring of other debt obligations, the assumption of debt, referendum, recall, or the adoption of a home rule charter, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the law pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by the legislature.

Source: New

Comment: The proposed section provides that applicable procedures set forth in the statutes shall be followed when holding special elections.

Section 29. Political Subdivisions; Taxing Power; Limitations

Section 29. Political subdivisions may exercise the power of taxation, subject to such limitations as may be else-

where provided in the constitution, under authority granted to them by the legislature for parish, municipal, and local purposes, strictly public in their nature. The provisions of this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Source: La. Const. Art. X, §5 (1921).

Comment: The proposed section retains the source provision without substantive change.

Section 30. Parish Tax Limits; Increase, Withdrawal of Municipality from Parish Taxing Authority

Section 30. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation; however, in Orleans Parish the limitation shall be seven mills and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

(B) Where millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be dedicated to the purpose or purposes set forth in the proposition.

(C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy, without a vote of the electors, on property located wholly within any incorporated city or town, which has a population in excess of one thousand inhabitants according to the last census and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Source: La. Const. Art. XIV, §§7, 8, 11, 24, 25.1 (1921);

Act No. 4, §15, of 1916, as amended by Act No. 575 of 1966.

Comment: (a) The four mill limitation on the parish alimony tax, except seven mills in Orleans Parish and five mills in Jackson Parish, in the source is retained in Paragraph (A). The proposed section changes the source provision in that the general alimony tax may be increased subject to voter approval. Deleted from the source provision is the special tax for parish, district, or municipal fairs; however, any such special tax in existence at this time is ratified in Section 32, infra.

(b) Paragraph (B) gives parishes the authority to levy special taxes subject to voter approval.

(c) Paragraph (C) restates source without substantive change.

(d) Paragraph (D) restates the source except the city of Monroe is omitted as an exception from the source.

Section 31. Municipal Tax Limits; Increase

Section 31. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

(B) Where the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be dedicated to the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Source: La. Const. Art. XIV, §12 (1921).

Comment: (a) The proposed section retains the source

provision limitation of seven mills on municipal alimony taxes, except, municipalities exempt from parochial taxes or those maintaining their own schools are limited to 10 mills. The provision allowing municipalities with a population of 75,000 or more to levy a special tax, not exceeding one mill to provide for three-platoon police systems is deleted. The authority of municipalities of from 15,000 to 30,000 to levy a special tax, not exceeding one and one-half mills for the maintenance of municipal employees' retirement funds is deleted. These special taxes in existence at this time are ratified in Section 32, infra.

(b) The proposed section authorizes an increase in the general alimony tax subject to voter approval.

(c) Paragraph (B) gives municipalities the authority to levy special taxes, subject to voter approval. This would allow any municipality to levy a special tax, subject to voter approval, for one or both of the enumerated purposes which is now deleted from the source (see comment (a), supra).

(d) As in the source provisions, the limitation on millage for the city of New Orleans is found in the section on parish millage limits.

Section 32. Special Taxes; Ratified

Section 32. (A) Any special tax being levied by any political subdivision under prior laws or the constitution of this state when this constitution is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors who vote in an election held for that purpose.

Source: La. Const. Art. X, §§10, 10A, 23; Art. XIV, §11, 12, 14, 19, 23.1, 23.2, 23.5, 23.31, 23.42, 24.5, 25 (1921).

Comment: (a) Numerous special taxes are authorized under the 1921 Constitution. The proposed section confirms and ratifies these special taxes.

(b) The term special taxes in this Section refers to the following taxes:

(1) The millage tax (five mills for one purpose and 25 for all purposes) political subdivisions are authorized to levy for public works. (Art. X, §10). A similar provision may be found in the Revised Statutes (R.S. 39:801).

(2) The eight mill tax a school district is authorized to levy for schools (Art. X, §10). A similar provision may be found in the Revised Statutes (R.S. 39:801).

(3) The five mill tax municipalities are authorized to levy for municipal services (Art. X, §10A). A similar provision may be found in the Revised Statutes (R.S. 39:802).

(4) The one mill tax municipalities and parishes are authorized to levy for municipal, district, and parish fairs (Art. XIV, §11). A similar provision may be found in the Revised Statutes (R.S. 33:2701 et seq.).

(5) The one mill tax a municipality with 75,000 or more inhabitants is authorized to levy for three-platoon police systems. (Art. XIV, §12).

(6) The one-half mill tax a municipality with between 15,000 and 30,000 inhabitants is authorized to levy for municipal employees' retirement funds (Art. XIV, §12).

(7) The three mill tax New Orleans is authorized to levy for maintenance of fire and police departments and increases in pay of officers and men in said department (Art. XIV, §25).

(8) The one mill tax certain parishes are authorized to levy for capital outlay expenditures at Francis T. Nicholls State College (Art. X, §23).

(9) The five mill tax political subdivisions are authorized to levy for transportation and utility purposes (Art. XIV, §19). A similar provision may be found in the Revised Statutes (R.S. 39:781 et seq.).

(10) Various millage taxes New Orleans is authorized to levy for sewerage, water, and drainage purposes (Art. XIV, §§23.1, 23.2, 23.5, 23.31, 23.42, 24.5).

(11) Various millage taxes political subdivisions are authorized to levy for school, road, sewerage, drainage, road lighting, fire protection, hospital service, airport, recreation, and other enumerated purposes (Art. XIV, §14). A similar provision may be found in the Revised Statutes (R.S. 39:551 et seq.).

The above enumerated list may not be inclusive of

all special taxes presently authorized in the 1921 Constitution.

(c) Paragraph (B) retains the source provision (Art. X, §10) authorizing political subdivisions to levy special taxes, subject to voter approval, for public works.

Section 33. Political Subdivisions; Exclusive Authority to Levy and Collect Ad Valorem Taxes

Section 33. Notwithstanding any provision contained in Article ----, Section ---- of this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution.

Source: New

Comment: (a) The proposed section vests in political subdivisions the exclusive authority to use the ad valorem tax as a source of revenue.

(b) It prohibits the legislature from levying an ad valorem tax.

Section 34. Local Governmental Subdivision; Occupational License Tax

Section 34. Local Governmental Subdivisions; Occupational an occupational license tax in an amount not greater than that imposed by the state. Local governmental subdivisions may impose an occupational license tax in an amount greater than that imposed by the state when so authorized by an act passed by at least a two-thirds vote of the elected membership of each house of the legislature.

Source: La. Const. Art. X, §8 (1921).

Comment: (a) The proposed section retains the source, except it eliminates certain classes of workers exempted from the license tax in the source.

(b) The legislature may authorize, by a two-thirds vote, a local governmental subdivision to levy a greater license tax than imposed by the state.

Section 35. Local Governmental Subdivisions; Sales Tax Authorized

Section 35. (A) Except as otherwise authorized in a home rule charter provided for in Sections 7 and 8 of this Article, local governmental subdivisions and school districts are authorized to levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, as defined by law; provided, however, the rate thereof when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision shall not exceed three percent.

(B) No tax authorized in Paragraph (A) of this Section shall become effective until a proposition for the imposition thereof is submitted to the electors of the affected local governmental subdivision and approved by a majority of the electors who vote in the election held for that purpose.

(C) The legislature shall have the authority by general law to exempt or exclude any goods or tangible personal property or services from any sales and use tax levied by a local governmental subdivision; provided, however, such exemptions or exclusions shall also apply to state sales and use taxes.

Source: New

Comment: (a) The present authority for local governmental subdivisions and school districts to levy sales and use taxes is statutory (R.S. 33:2711 et seq.). All municipalities are authorized to levy a one per cent sales and use tax subject to voter approval. Certain enumerated municipalities are authorized to levy additional sales and use taxes. Certain parishes are authorized to levy a one per cent sales tax subject to voter approval. All parish or city school boards are authorized to levy a one per cent sales tax subject to voter approval. Certain school boards are authorized to levy additional sales taxes.

(b) This Section authorizes a local governmental subdivision to levy a sales and use tax subject to voter approval and subject to the limitation that the rate of all sales taxes levied, exclusive of state sales taxes,

in any local governmental subdivision shall not exceed three per cent. For example, this provision authorizes a municipality to increase its sales tax rate, subject to voter approval, up to a point where its rate combined with the rate being levied by the parish and school board would equal three percent. Presently three percent is being levied in the cities of Baker, Baton Rouge, and Zachary and the parishes of East Baton Rouge and Orleans.

The legislature is authorized to exempt or exclude property and services from the local sales tax provided the property and services are exempted or excluded also from the state sales tax.

Section 36. Bonds of Political Subdivisions; General Obligations

Section 36. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Source: La. Const. Art. XIV, §14, ¶¶(a), (b.2), (c.3), (d.1), (d.2), (d.4), and (m) (1921).

Comment: (a) In some cases, the source provision sets forth requirements for named political subdivisions to insure that sufficient sums will be collected to pay their bonded indebtedness. In other instances, no such requirements are enumerated.

(b) This Section sets forth uniform requirements upon political subdivisions to insure repayment of their bonds.

(c) General obligation bonds are defined as those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount see Paragraph (4) under Section 50.

Section 37. Taxpayer Authorization of Ad Valorem Tax Bonds of Political Subdivisions

Section 37. General obligation bonds may be issued only subdivision issuing such bonds. Refunding bonds, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

Source: La. Const. Art. XIV, §14, ¶¶(a), (b.2), (c.3), (f), (g), (k), (1921).

Comment: (a) The source provision contains authority for certain enumerated political subdivisions to incur debt and issue bonds, with the requirement that such bonds may be issued only after authorization by a vote of a majority in number and amount of the property taxpayers voting on the proposition. The proposed section extends this requirement to all general obligation bonds issued by political subdivisions and eliminates the property taxpayer requirement for voting in bond elections.

(b) The source provision authorizes certain specified political subdivisions to issue refunding bonds. The proposed section extends such authority to all political subdivisions and specifically provides that no election is needed to issue such bonds, if at the time of delivery of the bonds the indebtedness refunded is paid or cancelled or sufficient money or security is deposited in escrow.

Section 38. Limitations on Bonded Indebtedness of Political Subdivisions

Section 38. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the assessed valuation of property in the political subdivision, to be ascertained by the assessment roll for the political subdivision last completed prior to the delivery of such bonds, except that as to both parishwide school districts and other school districts, the limitation shall be twenty-

five percent of the assessed valuation of property, and except as to general obligation industrial development bonds, such limitation shall be twenty percent of the assessed valuation of property in the political subdivision.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Source: La. Const. Art. XIV, §14, ¶¶(f), (f.1) (1921).

Comment: (a) The source provision provides that the political subdivisions enumerated therein shall not incur debt and issue bonds which, including the existing bonded debt for such subdivision for such purpose, shall exceed in the aggregate 10 percentum of the assessed valuation of the taxable property of such subdivision. The limitation is continued in the proposed section, except it is based on property, not just taxable property, and it is made applicable to all political subdivisions.

(b) The source provision provides that the municipality of Monroe shall be treated the same as the parishwide school district or special school district. The proposed section extends this treatment to any municipality that finances and operates its own schools, without specifically mentioning the municipality of Monroe.

(c) The source provision increases the limitation for parishwide school districts and special school districts to 25 percent for specifically enumerated purposes. The proposed section increases the limitation for such school districts for all purposes.

(d) The proposed section retains the exception from the above limits for bonds and other debt obligations issued and secured by acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues.

Section 39. Limited Time for Contesting Bonds of Political Subdivisions

Section 39. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause; after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligations, and provisions thereof for any cause whatever; and after this time it shall be conclusive presumed that every legal requirement for the issuance of the

bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Source: La. Const. Art. XIV, §14, ¶¶ (a), (b.2), (g), (1), (m), a (n) (1921).

Comment: (a) Paragraph (A) of the proposed section makes no change in the law.

(b) The source provision sets forth requirements similar to those in Paragraph (B) of the proposed section for specified types of bond issues. The proposed section extends the requirements to all types of bond issues or debt obligations.

Section 40. Local Improvement Assessments

Section 40. (A) The legislature shall provide by special or general law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) The governing authority of the political subdivision issuing certificates of indebtedness payable from sources other than ad valorem taxes, and pledging its full faith and credit to the prompt payment of the principal and interest thereof, shall levy or cause to be levied on all taxable property in the political subdivision ad valorem taxes, without limitation as to rate or amount, fully sufficient to make up any deficit in the other sources of revenue pledged to the payment of the certificates.

Source: La. Const. Art. X, §13; Art. XIV, §14, ¶¶(a), (b.1), (c.3), (d.1), (d.2), (d.4), (e), (g), (i), (j), (k-1-b), (o) (1921).

Comment: (a) Paragraphs (A) and (B) above are a restatement of source Art. X, §13, and make no change in the law. The provisions of this proposed section are moved from the source article and placed in the proposed Article on Local Government because this type of indebtedness is an integral part of local improvement financing.

(b) Paragraph (C) above sets forth uniform requirements upon political subdivisions to insure repayment of certificates of indebtedness. In some instances, the source provision, Const. Art. XIV, §14, sets forth requirements for named political subdivision to insure that sufficient sums will be collected to pay indebtednesses; in other instances, no such requirements are enumerated.

Section 41. Revenue-Producing Property

Section 41. The legislature may authorize political subdivisions to issue bonds or other debt obligation for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility. The bonds or other debt obligation may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility; and shall not be a charge upon the other income and revenues of the political subdivision.

Source: La. Const. Art. XIV, §14, ¶¶(b.1), (b.2), (c), (d.1), (d.2), (d.4), (e), (f), (f.1) (m) (1921)

Comment: The proposed section is a restatement of the source provision.

Section 42. Ports

Section 42. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may diminish, reduce, or withdraw from any such commission or district, including the Board of Commissioners of the Port of New Orleans, any of its powers and functions and may affect the structure, organization, distribution, and redistribution of the powers and functions of any such commission or district, including its territorial jurisdiction, only by act passed by at least a two-thirds vote of the elected membership of each house;

(B) The legislature may by law grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts by law; provided, however, in so doing the legislature shall not restrict or diminish the powers and functions, structure and organization, or territorial jurisdiction of an

established deep-water port except by at least a two-thirds vote of the elected membership of each house;

(C) (1) Notwithstanding the provision of Paragraphs (A) and (B) of this Section, the legislature shall by law provide for a change in the method of selection and composition of the Board of Commissioners of the Port of New Orleans and define its territorial jurisdiction.

(2) After the exercise of authority as provided in subparagraph (1) above, the legislature may only affect the Board of Commissioners of the Port of New Orleans as provided in Paragraphs (A) and (B) of this Section, except that no change in the territorial jurisdiction of said port shall affect the territorial jurisdiction of any other existing deep-water port.

(3) In the event the legislature does not exercise the authority granted in subparagraph (1) above within ten years after the adoption of this constitution, the composition and territorial jurisdiction of said board shall not be changed except in compliance with Paragraphs (A) and (B) of this Section.

Source: New

Comment: (a) The proposed section ratifies and confirms all existing deep-water port commissions and all deep-water port, harbor, and terminal districts.

(b) A two-thirds vote of each house of the legislature will be needed in order to diminish or reduce any power and function or affect the structure and organization or territorial jurisdiction of an existing deep-water port. However, the legislature will be able to grant additional powers and functions and create new ports by a majority vote.

(c) Within 10 years of the adoption of the new constitution, the legislature may change the territorial jurisdiction and method of selection and composition of the Board of Commissioners of the Port of New Orleans by a majority vote. After the legislature makes any change or if the legislature fails to act within 10 years, a two-thirds vote of the legislature will be necessary to make the above changes.

Section 43. Levee Districts

Section 43. (A) Levee districts as now organized and constituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts; provided, however, the members of the boards of commissioners of such districts shall be appointed or elected from residents of such district;

(2) Any levee district whose flood control responsibilities are limited to and which is situated entirely within the boundaries of one parish may be merged and consolidated into such parish under the terms and conditions and in the manner provided in Section 18 of this Article. This provision shall be self-operative.

(B) No action taken hereunder shall impair the obligation of any outstanding bonded indebtedness or of any other contract of such levee district.

Source: New

Comment: (a) Paragraph (A) provides for the continued existence of levee districts as now organized. It allows the legislature to consolidate or reorganize existing levee districts or create new districts, provided, the members of the boards of commissioners must be residents of such districts. It provides for the merger of a single-parish district into a parish government.

(b) Paragraph (B) forbids the impairment of contracts of any district.

Section 44. (A) For the purpose of constructing and main- and Refunding Bonds; Increase in Tax to Raise Additional Funds

Section 44. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the dollar, except the Board of Levee Commissioners of the Orleans Levee District, which may levy annually a tax not to exceed two and one-half mills on the dollar, on all taxable property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise

in any levee district for any of the purposes herein set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased; provided, however, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

Source: La. Const. Art. XVI, §2 (1921).

Comment: (a) Paragraph (A) retains the source provision except:

(1) It adds flood protection as one of the purposes for which levee districts may levy a tax. The Orleans Levee District has this authority under the present constitution.

(2) It adds hurricane flood protection as a purpose for which levee districts, including Orleans, may levy a tax.

(3) It removes land reclamation and the payment of existing and future indebtedness as purposes for which the Orleans Levee District may levy a tax.

(b) Paragraph (B) repeats the source provision and provides for an election procedure to raise additional funds.

Section 45. Bond Issues

Section 45. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

(B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Source: La. Const. Art. XVI, §3 (1921).

Comment: (a) The source provision requires the legislature to authorize the funding of bonds. Paragraph (A) of the proposed section allows the governing authority of a levee district to fund bonds with the approval of the State Bond Commission or any successor thereto.

(b) Paragraph (B) deletes the limitation in the source provision that the percentage of annual interest not exceed six percent and deletes the requirement that the bonds shall be sold at no less than par and accrued interest.

Section 46. Interstate Districts

Section 46. The legislature, with the concurrence of an adjoining state, may create levee districts composed of territory partly in each state, and may authorize the construction and maintenance of levees wholly within another state.

Source: La. Const. Art. XVI, §4 (1921).

Comment: The proposed section retains the source provision without change.

Section 47. Cooperation with Federal Government

Section 47. All governing authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and conditions as may be provided by the federal authorities and accepted by the levee districts.

Source: La. Const. Art. XVI, §5 (1921).

Comment: The proposed section retains the source provision, except it provides for acceptance by levee districts instead of state authorities.

Section 48. Compensation for Property Used or Destroyed; Tax

Section 48. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, if property used or destroyed for levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements, the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

(B) If the district has no other funds or resources out of

which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

Source: La. Const. Art. XVI, §6 (1921).

Comment: (a) Paragraph (A) repeats the source provision with two exceptions:

(1) It deletes provisions relative to acquisition of property in and replacement of streets in municipalities of one hundred thousand population;

(2) it adds a provision requiring the compensation, at fair market value, of a landowner when the property and improvements used or destroyed by a levee district exceeds one-third the value of that landowner's property and improvements.

By providing for compensation at fair market value in certain circumstances, there was no intent on the part of the committee to change the nature of the exercise of the power herein conferred from that of appropriation to that of expropriation. More specifically, the rationale of *Boyce Cottonseed Oil Mfg. Co. v. Board of Com'rs.*, 160 La. 727, 107 So. 506 (1926) and its progeny, holding that payment of the assessed value is merely a gratuity and that no payment at all is required, is approved and confirmed. However, it was felt that in certain circumstances the equities of the situation were in favor of increasing the gratuity paid to the landowner from assessed value to fair market value.

(b) Paragraph (B) retains the source but removes the one-fourth of one mill limitation on the tax that may be levied.

(c) Paragraph (C) retains the source provision.

Section 49. Supremacy of Constitution

Section 49. The provisions of this constitution shall be paramount and neither the legislature, nor any political subdivision, shall enact any laws or ordinances in conflict therewith.

Source: New

Comment: Provides for supremacy of the constitution over laws and ordinances enacted by the legislature and by political subdivisions.

Section 50. Terms Defined

Section 50. As used in this Article:

(1) "Deep-water port commissions and port, harbor, and terminal districts" means those ports which are capable of accommodating vessels of at least twenty-five feet of draft and engaged in foreign commerce;

(2) "Functions" means duty in the sense that it is complementary of the power (ability) conferred and as such means onus or obligation to execute the power granted;

(3) "General law" means a law of statewide concern which is uniformly applicable to every political subdivision in the entire state or which is uniformly applicable to all political subdivisions within the same class as established in accordance with the classification provisions of Section 6 of this Article;

(4) "General obligation bond" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount;

(5) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(6) "Local governmental subdivision" means any parish or municipality;

(7) "Municipality" means all incorporated cities, towns, and villages;

(8) "Political subdivision" means parishes and municipalities, and any other unit of local government authorized by law to perform governmental functions;

(9) "Powers" means ability or capacity, synonymous with inherent or basic authority, to indulge in a particular unlawful;

(10) "Special law" means any law other than a general detanking or to provide or perform a certain service;

(11) "Structure and organization" means the structure and organization and/or the particular distribution and redistribution of powers and functions and/or the supervision,

control, and internal arrangement of the component parts of the political subdivision.

Source: New

Comment: The terms "powers", "functions" and "structure and organization" are given the same definitions as given them by the court in the case of *La Fleur v. City of Baton Rouge*, 124 So. 2d 374 (La. App. 1960) which was cited with approval by the Louisiana Supreme Court in *Letellier v. Jefferson Parish*, 254 La. 1067, 229 So. 2d 101 (1969).

COMMITTEE REPORT WITH RESPECT TO COMMITTEE

PROPOSAL No. 9—

ARTICLE VII. HUMAN RESOURCES

Section 1. State and City Civil Service

Section 1. (A) Civil Service System; State; Cities.

(1) State Civil Service. "State civil service" means all offices and positions of trust or employment in the employ of the state, or any board, commission, department, independent agency, or other agency thereof, except as otherwise specifically provided in this constitution, and all offices and positions of trust or employment in the employ of joint state and federal agencies administering state or federal funds, or both; joint state and municipal agencies financed by state or municipal funds, or both, except municipal boards of health; joint state and parochial agencies financed by state or parochial funds, or both; irrespective of whether the pay for such offices and positions of trust or employment is to be paid with state, municipal, or parochial funds or with funds contributed jointly by the state and municipalities or parishes involved.

(2) City Civil Service. "City civil service" means all offices and positions of trust or employment in the employ of the city and every board, commission, department, or agency thereof, except as otherwise specifically provided in this constitution.

(B) State Civil Service Commission

(B)(1) Membership. A State Civil Service Commission is created to be composed of five members, who are citizens and qualified electors of the state. Three members of the commission shall constitute a quorum. The five members shall be appointed by the governor for overlapping terms of six years as hereinafter provided. The domicile of the commission shall be in the city of Baton Rouge, Louisiana.

(2) Nominations. The presidents of Loyola University of the South, Centenary College, Tulane University of Louisiana, Louisiana College, and Dillard University each shall nominate three persons, in the order of their preference, and from the three persons so nominated by each, the governor shall appoint one to serve as a member of the commission.

(3) Vacancies. Vacancies for any cause shall be filled by appointment in accordance with the procedure governing the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment. Should the governor fail to appoint within thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

If for any reason nominations are not submitted to the governor by any of the college presidents herein named, within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the State Civil Service Commission.

(4) Transition. Each person who, on the effective date of this constitution, is a member of the State Civil Service Commission shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the expiration of the term of the commissioner nominated by Louisiana State University and Agricultural and Mechanical College, the president of Dillard University shall submit three names to the governor for appointment to the commission as herein provided. The initial term of this Dillard nominee shall be six years.

(5) Removal. A number of the State Civil Service Commission may be removed by the governor for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the commission. The amount of compensation shall be determined by the legislature.

(C) City Civil Service Commission

(C)(1) Membership. A city civil service commission is created for each city having a population exceeding four hundred thousand. The city civil service commission shall be composed of five members, who are citizens and qualified electors of the city. Three members of the commission shall constitute a quorum. The five members shall serve overlapping terms of six years as hereinafter provided. The domicile of the commission shall be in the city which it serves.

(2) Nominations. In the city of New Orleans, the presidents of Tulane University of Louisiana, Loyola University of the South, and Dillard University each shall nominate three persons, in the order of their preference, and from the three persons so nominated by each, the governing authority of the city shall appoint one to serve as a member of the commission. One member shall be appointed by the governing authority of the city. One member shall be an employee within the classified service of the city, elected by classified city employees.

If for any reason nominations are not submitted to the governing authority of the city by any of the college presidents herein named within the time herein designated, the vacancy on the commission for the term or the unexpired term resulting from such failure to nominate shall be filled by a majority vote of the other members of the city civil service commission.

In other cities subject to the provisions of this Section three members of the commission shall be nominated by the presidents of any three universities mentioned in Paragraph (B)(2) in accordance with the procedure therein provided. Commissioners appointed by the governing authority of the city and the classified city employees shall be appointed in accordance with the procedure specified in Paragraph (C)(2).

(3) Vacancies. Vacancies for any cause shall be filled by appointment or election in accordance with the procedure for the original appointment and from the same source. Within thirty days after a vacancy occurs, the university president concerned shall submit the required nominations. Within thirty days thereafter, the governing authority of the city shall make the appointment. Should the governing authority of the city fail to appoint within the thirty days, the nominee whose name is first on the list shall automatically become a member of the commission.

The election of the member representing classified city employees shall be called by the governing authority and held at least sixty days prior to the expiration of that term. In the case of a vacancy prior to the expiration of a term in the office of the member representing classified employees, an election to fill the vacancy for the unexpired term shall be held within thirty days after the vacancy occurs.

(4) Transition. Each person who, on the effective date of this constitution, was nominated by Tulane University, Loyola University, or Dillard University shall continue in such position for the remainder of the term to which he was appointed. Within thirty days after the effective date of this constitution, the president of Dillard University shall submit three names to the governing authority of the city for appointment to the commission as herein provided. The initial term of this appointee shall be three years. Within thirty days after the effective date of this constitution, the governing authority of the city shall call and hold an election for the member to represent classified city employees. The initial term of the classified employee shall be five years.

In other cities, each member serving on the effective date of this constitution, shall continue in office until the expiration of his term. The governing authorities of such cities shall provide for the election or appointment of additional members and for the implementation of this Section in accordance with provisions hereof.

(5) Removal. A member of the city civil service commission may be removed by the city governing authority for just cause after a copy of the charges against him has been served on him and an opportunity for a public hearing thereon is afforded by his appointing authority.

(6) Compensation. Members of the commission each shall be compensated for each day devoted to the work of the

commission. The amount of compensation shall be determined by the governing authority of the city.

(4) Departments; State; City

(D)(1) Department of State Civil Service. A Department of State Civil Service is created in the state government.

(2) Department of City Civil Service. A department of city civil service is created in the city government of each city having a population exceeding four hundred thousand.

(E) Directors; State Service; City Service. The State Civil Service Commission and the city civil service commission shall appoint a director of civil service, who shall be the administrative head of his respective department and who shall be in the classified service. The director shall be appointed by the appropriate commission from a list of persons determined to be eligible for the position on the basis of merit, efficiency, and fitness, which shall be ascertained by competitive examination, and such other factors as the commission deems advisable. The director shall appoint personnel and exercise powers and duties to the extent prescribed by the commission.

(F) Unclassified and Classified Service. The state civil service and the city civil service are divided into the classified service and the unclassified service. The classified service shall include all officers and employees in the state civil service and the city civil service except:

(1) elected officers and persons appointed to fill vacancies in elective offices; (2) heads of principal departments appointed by the governor, the mayor, or governing authority of the city; (3) city attorneys; (4) members of state and city boards, commissions, and agencies, (5) one person holding a confidential position, or one principal assistant, or deputy to any officer, board, commission, department, or agency mentioned in (1), (2), and (4), except the Department of State Civil Service and the departments of city civil service; (6) members of the military or naval forces; (7) the teaching and professional staffs, and administrative officers of the schools, colleges, and universities of the state, and bona fide students of such institutions employed by any state agency; (8) administrative officers and employees of courts of record, of the legislature, of the offices of the governor, of the lieutenant governor, of the attorney general, of the office of the mayor of the several cities, of police juries, and of school boards; (9) registrars of voters, the state tax collector for the city of New Orleans, and one chief deputy selected by each; (10) commissioners of elections and watchers; custodians and deputy custodians of voting machines.

(G) Appointment and Promotion

(G)(1) Certification. Permanent appointees and promotions in the classified state service and classified city service shall be made after certification by the appropriate department of civil service under a general system based upon merit, efficiency, length of service, and fitness, which shall be ascertained by competitive examinations insofar as practicable, and employees and officers in the classified service shall be employed from those eligible under such certification. The number to be certified shall be not less than five; however, if more than one vacancy is to be filled, the name of one additional eligible for each vacancy may be certified and special and different lists may be established in the case of reemployment and reinstatement. The commission shall adopt rules for the method of certification of persons eligible for appointment and promotion and shall provide for appointments defined as emergency and temporary appointments.

(2) Veterans. The Department of State Civil Service and a department of city civil service shall accord a five-point preference in original appointment to each person honorably discharged, or discharged under honorable conditions from the armed forces of the United States, after having served between the wartime dates of April 6, 1917 and November 11, 1918, both dates inclusive; or between September 16, 1940 and July 25, 1947, both dates inclusive; or between June 27, 1950 and January 31, 1955, both dates inclusive; or who served in the Viet Nam Theater between July 1, 1958 and the date the government of the United States declares to be the date of termination of service for members of the armed forces to receive credit for the award of the Viet Nam Service Medal, both dates inclusive; or who served in the peacetime campaigns or expeditions for which campaign badges are authorized. The Department of State Civil Service and a department of city civil service shall accord a ten-point preference in original appointment to each honorably discharged veteran who served either in peace or in war and who has one or more disabilities recognized by the Veterans Administration as service-

connected; to the spouse of each veteran who is in such poor physical condition as to preclude his or her appointment to a civil service job in his or her usual line of work or to the unremarried widow of each deceased veteran who served in a war period as defined above or in a peacetime campaign or expedition; or to the unremarried parents of any person who died in active wartime or peacetime service or who suffered total and permanent disabilities in active wartime or peacetime service; or the divorced or separated parents of any person who died in wartime or peacetime service or who became totally and permanently disabled in wartime or peacetime service. However, only one ten-point preference shall be allowed in the original appointment to any of the persons enumerated above, and if the ten-point preference is not being utilized by the veteran, either because of the veteran's physical or mental incapacity which precludes his appointment to a civil service job in his usual line of work or because of his death, the preference shall be available to his spouse, unremarried widow, or eligible parents as defined above, in the order specified, but all such preferences may be given only to persons who have attained marks on the tests which meet at least the minimum requirements imposed for each test and who have received at least the minimum rating required for eligibility.

(3) Layoffs Preference Employees; Reinstatement or Preferred Employment Lists. Whenever a position in the classified service is abolished or needs to be vacated because of stoppage of work from lack of funds, or other causes, the employee or employees in the class involved in the organization unit affected shall be laid off without pay by the appointing authority under such rules and regulations as to selection and priority as may from time to time be adopted by the commission. Provided, that preference employees (ex-members of the armed forces and their dependents as described in (B) of this Section) whose length of service and efficiency ratings are as good as or better than other competing employees shall be retained in preference to all other competing employees; and provided further, that when any or all of the functions of any state agency are transferred to or when any state agency is replaced by some other state agency shall first be transferred to the replacing state agency, or state agencies, for employment in positions for which they are qualified, before such state agency, or state agencies, shall appoint additional employees from eligible lists for such positions. The appointing authority shall give written notice to the director of any proposed layoff a reasonable time before the effective date thereof, and the director shall make such orders relating thereto as he considers necessary to secure compliance with the rules. The name of every regular employee so laid off shall be placed on the appropriate reemployment lists, and said employee shall also be eligible for reinstatement and shall be reinstated in any position in the same class in the same organization unit in which a vacancy exists. If he cannot be reinstated as hereinabove required, the director shall, upon employee's request to be made within one year from the time of his layoff or the time his position was abolished, place his name on a reinstatement or preferred reemployment list for the class of the position which was abolished or from which the employee was laid off. The appointing authority of the organization unit, during the time such employee's name remains on such lists is prohibited from filling any vacancy in the class in which the employee has reinstatement rights without first offering appointment to, and appointing, if he accepts, the employee who has reinstatement rights in such organization unit.

(H) Disciplinary Action. No person who has gained permanent civil service status in the classified state civil service or the classified city civil service shall be subjected to disciplinary action except for just cause after a copy of the charges against him have been served on him and an opportunity for a public hearing is afforded by his appointing authority. Only one penalty may be assessed for the same offense. No classified employee shall be discriminated against by reason of his political or religious beliefs, sex, or race.

Any classified employee so discriminated against or subjected to such disciplinary action shall have a right of appeal to the appropriate civil service commission. The

burden of proof on appeal, as to the facts, shall be on the employer. The appeal to the civil service commission shall be devolutive unless otherwise determined by the commission. The rulings of the commission are subject to review by the court of appeal wherein each commission is located.

(I) Rules and Regulations. The State Civil Service Commission and a city civil service commission are vested with general rule-making powers and subpoena powers for the administration of the classified civil service, including but not limited to rules and regulations relating to employment, promotion, demotion, suspension, reduction in pay, removal, certification, work-test periods, uniform pay plans, classification plans, employment conditions, compensation and disbursements to employees, and generally to carry out and effectuate the objectives and purposes of the merit system of civil service as herein established. These rules and regulations shall have the effect of law. Any matter affecting wages and hours shall become effective and shall have the force of law only after approval of the governor or the governing authority of the city.

(J) Political Activity. No member of any civil service commission shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment whatsoever, the classified employment of the employee elected to the city commission, the office of notary public or a military or naval office, or dean or member of the faculty of any educational institution excepted; nor shall any member of the commission be or have been during a period of six months immediately preceding his appointment a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional or political club or organization, and each commissioner shall take the oath of office before entering upon the duties of office, and such oath shall include a statement of belief in and desire to support the principles of the merit system.

No member of the State Civil Service Commission or a city civil service commission and no officer or employee in the classified service shall participate or engage in political activity or be a candidate for nomination or election to public office or be a member of any national, state, or local committee of a political party or faction or make or solicit contributions for any political party, faction, or candidate, nor take active part in the management of the affairs of a political party, faction, or candidate or any political campaign except to exercise his right as a citizen to privately express his opinion, to serve as a commissioner or as an official watcher at the polls, and to cast his vote as he desires. No person shall solicit contributions for political purposes from any classified employee or official, nor use or attempt to use his position in city civil service to punish or coerce the political action of such person.

Political activity is defined as an effort made to insure the election of a nominee for political office or the support of a particular political party in an election. There shall be no prohibition against support of issues involving bonded indebtedness, tax referenda, or constitutional amendments, or the participation or membership in an organization which is not a political organization but which may from time to time express its opinion on a political issue.

(K) Violations; Appeals. The State Civil Service Commission and the city civil service commission may investigate violations of this Section and the rules and regulations adopted pursuant hereto. It may impose penalties for violation of this Section or the rules and regulations adopted pursuant hereto in the form of demotion, or suspension, or discharge from the classified service with attendant loss of pay. The rulings of the commission are subject to review in the court of appeal wherein each commission is located.

(L) Penalties. Any person who willfully violates any provision of this Section or of any law enacted pursuant hereto shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

(M) Acquisition of Permanent Status. Each officer and employee of a city who has civil service status in the classified service of the state or city on the effective date of this constitution shall retain such status in the position, class, and rank held on such date and thereafter shall be subject to and be governed by the provisions of this Section and the rules and regulations adopted under the authority hereof.

(N) Existing Laws. All existing laws relating to employees in the classified civil service not inconsistent with this Section are continued in force. Neither the commission of each city nor the governing authority of each city shall exercise

any power or authority which is inconsistent or in conflict with any general law. The State Civil Service Commission shall exercise no power or authority which is inconsistent or in conflict with any general law.

(O) Appropriations. Beginning with the regular session that convenes the year 1974, the legislature of the state shall then, and at each regular session and fiscal session, thereafter, make an appropriation to the State Civil Service Commission and to the Department of Civil Service for each succeeding fiscal year of a sum equal to not less than seven-tenths of one percent of the aggregate payroll of the state classified service for the twelve-month period ending on the first day of March preceding the next regular or fiscal session as certified to by the State Civil Service Commission.

Each city of the state subject to the provisions of this Section shall make adequate annual appropriations to enable the civil service commission and the civil service department of the city to carry out efficiently and effectively the provisions of this Section.

(P) Acceptance of Act; Other Cities, City and Parish Governed Jointly. Any city, and any parish governed jointly with one or more cities under a plan of government, having a population exceeding ten thousand but not exceeding four hundred thousand, according to the last preceding decennial census of the United States for which the final report of population returns have been printed, published, and distributed by the director of the census may elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election for this purpose. This election shall be ordered and held by the city or city-parish, as the case may be, upon (a) the adoption of an ordinance by the governing body of the city of the parish governed jointly with one or more cities under a plan of government as the case may be, calling for such elections; or (b) the presentation to such governing body of a petition signed by qualified electors equal in number to five percent of the qualified registered voters of the city or city-parish, as the case may be, calling for such election.

If a majority of the legal votes cast in such election are in favor of the adoption of the provisions of this Section, then this Section and all the provisions thereof shall thereafter permanently apply to and govern the city or city-parish, as the case may be, in the same manner and to the same extent as if said Section and all its provisions had originally applied to such city or city-parish. In such instance, all officers and employees of the city or city-parish or any other subdivision of the state, as the case may be, except those coming within the provisions of Article VII, Section 1 of the Constitution of the State of Louisiana, who have acquired civil service status under a civil service system established by legislative act, city charter, or otherwise, shall retain such status and shall thereafter be subject to and governed by the provisions of this Section and the rules and regulations adopted under the authority of this Section. If a majority of the legal votes cast in such election are against the adoption of the provisions of this Section, the question of adopting the provisions of this Section shall not be resubmitted to the voters of the city or the city-parish, as the case may be, within one year thereafter.

(Q) City, Parish Civil Service System; Creation by Legislature. Nothing in this Section shall prevent the establishment by the legislature in one or more parishes of a civil service system applicable to any or all parish employees, including those hereinabove exempted from the state classified service, or the establishment by the legislature of a civil service system in one or more cities having a population of less than four hundred thousand, in any manner that may now or hereafter be provided by law.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 10—

ARTICLE VII. HUMAN RESOURCES

Section 1. Municipal Fire and Police Civil Service

Section 1. (A) Municipal Fire and Police Civil Service. There shall be a classified civil service for fire and police in municipalities which operate a regularly paid fire and police department and which have a population of not less than thirteen thousand according to the latest regular fed-

eral census for which the official figures have been made public.

The service shall embrace the positions of employment, the officers, and employees of the municipal fire and police services.

(B) Definitions. The following words and phrases when used in this Section shall have the following meaning unless the context clearly requires otherwise:

(1) "Allocation" means the official determination of the class to which a position in the classified service belongs.

(2) "Appointing authority" means any official, officer, board, commission, council, or person having the power to make appointments to positions in the municipal fire and police service.

(3) "Appointment" means the designation of a person, by due authority, to become an employee in a position, and his induction into employment in the position.

(4) "Board" means the municipal fire and police civil service board.

(5) "Class" or "class of position" means a definitely recognized kind of employment in the classified service, designated to embrace positions that are so nearly alike in the essential character of their duties, responsibilities, and consequent qualification requirements, that they can fairly and equitably be treated alike under like conditions for all personnel purposes.

(6) "Classification plan" means all the classes of positions established for the classified service.

(7) "Classified service" means every appointive office and position of trust or employment in the municipal government which has as its primary duty one of the functions specifically set forth to be included in the classified service by the provisions of this Section, and excludes all elective and appointive offices and positions of trust or employment which have a primary duty specifically set forth to be included in the unclassified service by the provisions of this Section.

(8) "Demotion" means a change of an employee in the classified service from a position of one class to a position of a lower class which generally affords less responsibility and pay.

(9) "Department service" means employment in the public service offered and performed separately by the fire and by the police departments of the municipality.

(10) "Eligible" means a person whose name is on a list.

(11) "Employee" means a person legally occupying a position.

(12) "Employment list" or "lists" means a reinstatement employment list, a promotional employment list, a competitive employment list, and a reemployment list.

(13) "Position" means any office and employment in the municipal fire and police services, the duties of which call for services to be rendered by one person.

(14) "Promotion" means a change of an employee in the classified service from a position of one class to a position of a higher class which generally affords increased responsibilities and pay.

(15) "Promotion employment list" or "promotion list" means an employment list containing the names of eligible persons established from the results of promotion tests given for a particular class of positions which is not specifically required by this Section to be established from the results of a competitive test.

(16) "Promotion test" means a test for positions in a particular class which is not specifically required by this Section to be filled by competitive tests, admission to which is limited to regular employees of the next lower class, or the next lower classes when authorized by the rules, in the classified service.

(17) "Reemployment list" means an employment list for the entrance or lowest-ranking class in the classified service, or in any group of classes as may have been grouped in the classification plan, containing names of regular employees who have been laid off under the "layoff" provisions of this Section. This list shall not be applicable to persons who have resigned or have been discharged.

(18) "Regular employee" or "permanent employee" means an employee who has been appointed to a position in the classified service in accordance with this Section after completing his working test period.

(19) "Reinstatement employment list" or "reinstatement list" means an employment list containing names of persons eligible for reinstatement in positions of a class from which they have been demoted for reasons other than disciplinary action.

(20) "Seniority" means the total employment computed for an employee beginning with the last date on which he was regularly and permanently appointed and has worked continuously to and including the date of computation. Time during which an employee has served in the armed forces of the United States subsequent to May 1, 1940, shall be construed to mean continuous service and shall be included in the computation of his seniority. Total seniority in the departmental service, including positions of any and all classes, or seniority in any one or more given classes, may be computed for an employee; but in either case employment shall be continuous and unbroken by a resignation or discharge of the respective employee. An employee who is finally discharged or resigns from his position shall forfeit all accumulated seniority. An employee who is suspended and returns to his position immediately following the expiration of his suspension shall not forfeit his seniority accumulated to the date of his suspension, but he shall not be given credit for the lost time at any future compensation.

(21) "Temporary appointment" means the appointment of an employee for limited period of service without acquisition by the appointee of any continuing right to be retained beyond the period.

(C) Municipal Fire and Police Civil Service Boards

(C) (1) Composition. A municipal fire and police civil service board is created in the municipal government. The board shall be composed of five members who shall serve without compensation. The board shall have a chairman, vice chairman, and a secretary. The domicile of the board shall be in the municipality it serves.

(2) Eligibility. To be eligible for appointment or to serve as a member of a board a person shall be a citizen of the United States of America, a resident of the municipality in which he is to serve for at least five years next preceding his appointment, and shall, at the time of his appointment, be a qualified voter of the municipality. Any employee while serving as a member of a board shall occupy as a regular employee a position or office lower than that of chief, assistant chief, district chief, or battalion chief of his department. No member of a board shall have been, during a period of six months immediately preceding his appointment, a member of any local, state, or national committee of a political party, or an officer or member of a committee in any factional political club or organization. No member of a board shall be a candidate for nomination or election to any public office or hold any other public office or position of public employment, except that of notary public, a military or naval official office, or that of a municipal fire or police department which is expressly required by the provisions of this Section.

(3) Membership. The members of the board shall be appointed by the governing body as follows:

(a) One shall be appointed by the governing body upon its own nomination.

(b) Two members shall be appointed from a list of four nominees, which shall be furnished within thirty days after receiving such request by the executive head or a legally chartered and established institution of higher education located within the municipality; or, if there is no such institution in the municipality, by the executive head of any such institution of the governing body's choice within the state.

(c) Two members shall be appointed who shall be first nominated and elected by and from the regular employees of the fire and police departments as follows:

One member shall be elected and appointed from the fire department, and one member shall be elected and appointed from the police department. The employee-nominee from each department shall be elected by secret ballot of the regular employees of his respective department at an election to be called and held for that purpose by the chief of the department. The chief of each department shall call such an election within forty-five days after this Section takes effect in the municipality by posting, for a fifteen-day continuous period immediately preceding the election a notice thereof on the bulletin board of each station house of his department; and shall officially notify the governing body of the municipality within the ten-day period imme-

diately following the election, the name of the employee-nominee so elected by the regular employees of his department. The chief of the department shall vote in the election only in the case of a tie vote.

(4) Term. The term of office for all members of the board shall be for a period of three years when a municipality adheres to the provisions of this Section. The first member appointed by the governing body of the municipality upon its own nomination shall serve for a period of two years; the first employee members nominated and appointed as provided above shall serve a term of one year. Each member shall serve until his successor has been appointed and qualified.

(5) Vacancies. Upon the term of office expiring for a member of a board, or because of a vacancy in the office of any member thereof, the governing body of a municipality shall appoint a successor in the same manner as the outgoing member was appointed; and such successive appointment shall be made within ninety days immediately following the expiration or vacancy.

(6) Oath. Each member shall take the oath of office before entering upon the duties of his office. His oath shall include a statement to uphold the constitution and laws of Louisiana and of the United States; to administer faithfully and impartially the provisions of this Section and the rules adopted under the authority of this Section.

(7) Removal. Any member of a board shall be liable to removal from office by judgment of the district court of his domicile for high crimes and misdemeanors in office, incompetency, corruption, favoritism, extortion, oppression in office, gross misconduct, or habitual drunkenness. The district attorney of the district wherein the board member resides may institute such suit, and shall do so upon the written request, specifying the charges, of twenty-five citizens and taxpayers of the municipality of which the board member is a resident. The district attorney shall associate in the diligent prosecution of such suit any attorney selected and employed by the citizens and taxpayers.

(8) Organization. The governing body of the municipality shall advise, within and not later than the expiration of the ninety-day period provided for the appointment of the board members, each appointee of his appointment and term of office as a member of the municipal fire and police civil service board; and, an official record thereof shall be placed in the official minutes of the governing body.

New members of the board shall meet within thirty days after their appointment in their first official meeting; take the oath of office; elect a chairman and vice chairman; and transact any other business pertinent at that time. The oath of office shall be administered by the city clerk or by any other person having the legal authority to administer it.

A chairman and vice chairman shall be elected by the members of the board. The term for which either the chairman or vice chairman shall serve as such, shall run concurrently with that for which he was appointed a member of the board; except the term of either office shall terminate upon death of the incumbent, or his resignation from the office or from the board or his removal from the board.

At the discretion of the board, the office of secretary shall be filled:

(a) By electing one of its members thereto;

(b) By appointing the city clerk or secretary-treasurer of the municipality to fill such office ex officio;

(c) By employing and paying on a part-time basis any other person a salary not to exceed twenty dollars per month; or

(d) By requiring the state examiner to act in such capacity. The board may terminate the term of office of any person serving as its secretary at any time. No person serving as secretary of a board, except a member thereof, shall have the right to vote in its proceedings. The secretary shall attend the meetings of the board; keep a record of its proceedings; attend to correspondence directed to him, and other correspondence ordered by the chairman; perform other functions assigned to him by the board; and cooperate with the state examiner in a manner that will assist the examiner to carry out effectively the duties imposed upon him by this Section or those functions which may be requested of him by the board.

The board shall meet at any time after its original meeting upon the call of the chairman, who shall give all members of the board due notice thereof. The chairman of the

board shall call, and the members of the board shall attend, one regular meeting of the board within each quarterly period of each calendar year. If a chairman fails or refuses to call such quarterly meeting of his board, the members of the board shall meet upon the written call of any two members mailed ten days in advance of the meeting. Four members of the board shall constitute a quorum, and the concurring votes of any three members comprising the quorum of the board shall be sufficient for the decision of all matters to be decided or transacted by it. Meetings of the boards shall be open to the public.

(D) Board; Duties

(D) (1) Represent the public interest in matters of personnel administration in the fire and police services of the said municipal government.

(2) Advise and assist the governing body, mayor, commissioner of public safety, and the chiefs of the fire and police departments of the municipality, with reference to the maintenance and improvement of personnel standards and administration in the fire and police services, and the classified system.

(3) Advise and assist the employees in the classified service with reference to the maintenance, improvement, and administration of personnel matters related to any individual or group of employees.

(4) Make, at the direction of the mayor, commissioner of public safety, chief of either the fire or police department, or upon the written petition of any citizen for just cause, or upon its own motion, any investigation concerning the administration of personnel or the compliance with the provisions of this Section in the said municipal fire and police services; review, and modify or set aside upon its own motion, any of its actions, take any other action which it determines to be desirable or necessary in the public interest, or to carry out effectively the provisions and purposes of this Section.

(5) Conduct investigations and pass upon complaints by or against any officer or employee in the classified service for the purpose of demotion, reduction in position or abolition thereof, suspension or dismissal of the officer or employee, in accordance with the provisions of this Section.

(6) Hear and pass upon matters which the mayor, commissioner of public safety, the chiefs of the departments affected by this Section, and the state examiner of municipal fire and police civil service bring before it.

(7) Make, alter, amend, and promulgate rules necessary to carry out effectively the provisions of this Section.

(8) Adopt and maintain a classification plan. The classification plan shall be adopted and maintained by rules of the board.

(9) Make reports to the governing body, either upon its own motion or upon the official request of the governing body, regarding general or special matters of personnel administration in and for the municipal fire and police services of the municipality, or with reference to any appropriation made by the governing body for the expenses incidental to the operation of the board.

(E) Rules. Each board may adopt and execute rules, regulations, and orders necessary or desirable effectively to carry out the provisions of this Section and shall do so when expressly required by this Section. No rule, regulation, or order shall be contrary to, or in violation of, any provisions, purpose, or intent of this Section or contrary to any other provisions of law. The board may amend or repeal any rule or part thereof in the same manner provided herein for the adoption of the rule. All rules shall be applicable to both the fire and police classified services, unless by express provisions therein, it is made applicable to only one of the services.

A board may adopt any rule, either in its proposed or revised form, after holding a public hearing at which any municipal officer, employee, private citizen, and the state examiner shall be given an opportunity to show cause why the proposed rule, amendment, or any part thereof should not be adopted. Before the board holds this public hearing, it shall furnish at least thirty days notice in advance of the date, time, and place therefor to the mayor, commissioner of public safety, and other municipal commissioner

whom the rule may in any way effect, the chief and each station of the departmental service to be affected by the adoption of any such rule, and to the state examiner. A copy of all proposed rules to be discussed at any hearing shall be furnished with all notices. Each notice and copy of a proposed rule furnished the various stations of a respective department shall be posted upon the bulletin board of each station for a period of at least thirty days in advance of the hearing.

Within thirty days after the board has adopted any rule, whether it is a new rule or amendment of an existing rule, or an abolition in whole or part thereof, it shall furnish an official copy thereof to all persons and places set forth above.

Rules adopted under the authority of this Section shall have the force and effect of law.

(F) Personnel

(F) (1) State Examiner. The office of state examiner is created. He shall be a resident and qualified voter of the state. He shall be a person who has had experience in the field of personnel administration. He and the deputy state examiner of the municipal fire and police civil service shall come within and be bound under and amenable to the classified service of the state as established and existing, except no pay plan thereunder shall be applicable to the said state examiner or deputy state examiner. The state examiner and deputy state examiner shall be subject to removal and other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this Section or by any qualified elector of the state, and only after a public hearing by the state commission to be in accordance with rules to be adopted by the said commission.

(2) Deputy State Examiner. The office of deputy state examiner of Municipal Fire and Police Civil Service is created, subject to the supervision and orders of the state examiner; he is authorized and empowered to exercise the authority and perform the duties of the state examiner as herein provided. He shall receive and be paid a salary in the amount fixed by the governor and shall be paid traveling time and living expenses while away from the place of his residence.

(3) The State Civil Service Commission shall exercise no administrative control over the state examiner or deputy state examiner. Its functions and powers relating to this office shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of these offices, and the ordering of their removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

(4) Vacancy. When a vacancy occurs in the office of the said state examiner or deputy state examiner, the State Civil Service Commission shall make a provisional appointment of any person it deems qualified to fill the vacancy until a competitive examination can be given by and under the directions of the State Civil Service Commission; and until a list of persons eligible for appointment to the office can be established. As soon as such list can be and is established, the State Civil Service Commission shall appoint one of the three persons ranking highest upon said eligible list to fill the office; and the person thus appointed shall serve a working test period of six months which shall be considered a portion of the examination. At the termination of such working test period, if successfully completed, the appointee shall become a regular employee as defined in the State Civil Service Law and subject and amendable thereto to the same extent as the original state examiner as hereinbefore set forth and may be subjected to removal or other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this act, or by any qualified elector of the state, and only after a public hearing by the state commission to be held in accordance with rules to be adopted by the State Civil Service Commission.

(G) State Examiner; Location; Salary; Duties

(G) (1) Location. The state examiner shall maintain a suitable office in the city of Baton Rouge. The officer charged by law with the custody of state buildings shall assign suitable office space to the examiner. The examiner

shall appoint employees necessary for him to carry out his duties effectively. All of the employees appointed by the state examiner, except persons employed on a temporary basis to conduct or assist in giving examinations, shall be selected by him after certification to him by the State Department of Civil Service of names from eligible lists established by the State Department of Civil Service; and they shall, in all other respects, be covered by the provisions of existing civil service laws and rules and regulations legally adopted by the Department of State Civil Service.

(2) Salary. The state examiner shall serve on a full-time basis. He shall be paid a salary of not less than forty-two hundred dollars per year. He shall be paid for his traveling and living expenses while away from the city of Baton Rouge.

The state examiner shall take the oath of office and furnish bond for the faithful performance of his duties according to law in the sum of five thousand dollars. The premium of the bond shall be paid from the funds appropriated to the state examiner. The state examiner shall be ex officio a notary public for the state at large.

The state examiner may obtain on a contractual or fee basis of the services which his office is unable to supply and which are necessary for his compliance with the provisions of this Section.

(3) Duties. The state examiner shall:

(a) Assist the various boards in an advisory capacity in the discharge of their duties.

(b) Prepare and submit a classification plan to each board for its approval, after consultation with the appointing and departmental authorities of the departmental service for which a plan is prepared and submitted, as provided in paragraph (K).

(c) Prepare and administer tests of fitness for original entrance and promotion to applicants for positions in the respective classified service of the municipalities; score the tests and furnish the results to the board for which the tests are given.

(d) Cooperate with the secretary of each board in maintaining a roster of all fire and police civil service employees in which shall be set forth the name of each employee, the class title of position held, the salary or other compensation, any change in class title, and any other necessary data.

(e) Act as secretary of any said board requesting such service.

(f) Assist and cooperate in an advisory manner with the various appointing authorities, department officers, and the classified employees, of the municipalities regarding the duties and obligations imposed upon them by the provisions of this Section.

(g) Encourage employee training in the classified service and, when possible, attend the training courses or parts thereof.

(h) Make annual or biennial reports regarding the work of his office to the governor.

(i) The state examiner may delegate to the deputy state examiner such of the above duties as he may deem expedient.

(H.) Appropriations; Facilities for Board. The legislature shall make adequate annual appropriations to enable the state examiner and deputy state examiner to carry out effectively the duties imposed upon them by this Section. The governing body of the municipality shall make adequate annual appropriations to enable the board of the municipality to carry out effectively the duties imposed upon the board and shall furnish the board with office space, furnishings, equipment, and supplies and materials necessary for its operation.

(I) Classified and Unclassified Service

(I) (1) Classified Service. The classified service shall comprise every position, except those included in the unclassified service, to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government or with an officer or employee thereof, and which has as its primary duty and responsibility one of the following:

Fire

(a) The chief and assistant chief; the intradepartmental division, bureau, squad, platoon, and company officers of the fire department.

(b) Fire fighting.

(c) Fire preventions; inspection.

(d) Driving, tillering, and operation of fire apparatus.

(e) Operation and maintenance of radio, fire alarm, or signal system.

(f) Fire department instructors in employee training.

(g) Fire salvage and overhauling services; and first aid.

(h) Automotive or fire apparatus repairs, if such service is operated exclusively by and for either or both the fire or police department.

(i) Secretary to the chief. Departmental records clerk.

(2) Unclassified Service.

(a) All officers, employees, and positions of employment in the municipal government, not having as a principal duty one of the duties hereinabove provided in the classified service.

(b) Officers elected by popular vote and persons appointed to fill vacancies in elective offices.

(c) Secretaries, stenographers, and all clerical positions not specifically included in the classified service.

(d) Pound keepers, dogcatchers, janitors, porters, elevator operators, chefs, kitchen helpers and workers, mechanics' helpers, car washers, unskilled labor, special guards at schools, or any part-time, or temporary employee.

(e) Any position of employment, the duties of which are included in the classified service, to which the right of employee selection, appointment, supervision, and discharge is vested in and with those other than the municipal government or an officer or employee thereof.

(J) Veterans; Reinstatement. Any regular and permanent employee who left a position of the departmental service, which now comes within the classified service, subsequent to May 1, 1940, and entered the armed forces of the United States shall be restored to his position and, thereafter, be subject to the rights and jurisdiction of the classified service created by this Section if he makes application therefor to the appointing authority within sixty days from the date of his honorable discharge or discharge under honorable conditions, and is physically and mentally capable of performing the work of his position to the satisfaction of the appointing authority.

(K) Classification Plan; Allocation; Use

(K) (1) Classification Plan. Each board, as soon as practicable (not to exceed a period of eighteen months) after this Section takes effect in the municipality, shall adopt a classification plan for the fire and police services of the municipality. Each classification plan shall consist of classes to be designated either by standard titles, ranks, or a combination thereof, for all positions included in the classified service for each of the fire and police services. The classification plan may be divided into groups of classes. The various classes of positions shall be arranged in each classification plan so as to show the principal and natural lines of promotion and demotion. The classification plan shall be adopted as rules of the board, in the manner provided by this Section for the adoption of rules. Rules creating the classification plan, future classifications, abolition of any classification, any amendment thereto, or revision thereof shall be adopted by a board only after consultation with the appointing authority, and the state examiner. The original classification plan to be established when this Section takes effect in a municipality shall be prepared, after consultation with the appointing authority, and submitted to the board for its approval and adoption, by the state examiner. The board may amend or revise the classification plans before adopting them. The state examiner shall advise and assist the board in all future classifications when requested to do so.

(2) Allocation of Positions. The board, or chairman thereof subject to the subsequent approval of the board, as soon as practicable (not exceeding forty-five days) after the adoption of a classification plan, after consultation with the appointing authorities concerned, shall allocate each position in the classified service to its appropriate class; and thereafter shall likewise allocate each new position created in the service, and, when for the benefit of the service, re-allocate positions from class to class.

Whenever the duties of a position are so changed by the appointing authority that the position in effect becomes one of a different class from that to which it is allocated, the change shall operate to abolish the position and to create a new position of the different class.

Whenever the board finds any change in the duties of any position in the classified service was brought about by the appointing authority to effect a reduction in the classifica-

tion of any employee because of political, religious, or discriminatory reasons, or without just cause, it shall refuse to recognize any such action, and shall order the appointing authority to continue the employee in the position and class with all rights and privileges.

(3) Use of Class Titles. The title of each class shall be the official title of every position allocated to the class, for all purposes having to do with the position as such, and shall be used to the exclusion of all other titles on all payrolls, budget estimates, and official records and reports pertaining to the position, except that any abbreviation or code symbol by the board may be used to designate a position of a class. Any other title satisfactory to the appointing authority may be used in official correspondence and in any other connection not having to do with the personnel processes covered by this Section. No employee shall be appointed, employed, or paid under any title other than that of the class to which the position occupied by him is allocated.

(4) Status of Incumbent. Every person employed in the municipal fire and police services for a continuous period of at least six calendar months immediately preceding the date that this Section takes effect in the municipality, who was regularly and permanently appointed to a position coming under the classified service, shall be inducted into and bound under the classified service, the provisions of this Section, and the rules adopted hereunder.

When any position is first allocated hereunder, or is reallocated to a different class to correct an error in its previous allocation, or because of a change in the duties of a position which has the effect of abolishing the position and creating a new position of another class, the employee and the position may continue to serve therein, with the status and all the rights and privileges he would have had under this Section if he had been originally appointed by examination and certification hereunder to a position of the class to which the position has been allocated or reallocated. Such employee, however, may be transferred without further tests of fitness or certification to any position of the class to which the position was previously allocated while held by the employee.

Any employee who feels himself aggrieved because of any allocation or change in classification affecting his position shall, upon his request, be heard thereon by the board; and the board shall hear and decide the complaint in any manner deemed proper.

(L) Vacancies; Methods of Filling. Vacancies in positions in the classified service shall be filled by one of the following methods:

- (1) Demotion
- (2) Transfer
- (3) Reinstatement
- (4) Promotional appointment
- (5) Competitive appointment
- (6) Reemployment
- (7) Temporary appointment.

A vacancy shall be considered filled under any of the methods specified above, and employment thereunder effective, as of the date on which the employee enters upon the duties thereof.

(M) Demotion. Demotions of regular employees shall be made by the appointing authority when it becomes necessary to reduce the number of employees in the classified service or in any class therein. Demotions from any class, except for disciplinary action or because of the abolition of an entire class in the classified service, shall be made by demoting employees from lowest to highest in point of total seniority earned in positions of the class plus that earned in any higher classes in the classified service. The names of regular employees demoted for any reason, except for disciplinary action, shall be recorded upon the reinstatement list for the class from which they are demoted in the order in which the demotions are made.

(N) Transfer. Any employee may be transferred from any position in the classified service to any other position of the same class within the classified service, at the pleasure of the appointing authority without notice to and confirmation by the board.

Any regular employee so transferred shall have the right

of appeal to his board upon the grounds (1) that his transfer was made to a position not included within the class to which his position was previously allocated, or (2) that the position to which he has been transferred is not included within the classified service, or (3) the transfer was made deliberately to discriminate against him.

(O) Reinstatement; Reemployment

(O) (1) Each employee who, during or at the expiration of his working test period of probation following his promotion after being certified from an appropriate employment list, is rejected and refused permanent status in the position and class to which he was promoted, shall be automatically reinstated to the position from which he was promoted without his name being placed upon any list.

(2) All employees whose names appear upon the reinstatement list for a prospective class shall be reinstated in a position thereof, in the reverse order from which their names were placed upon the list, before any other appointment is made therein.

(3) All employees whose names appear upon the reemployment list for a class from which they laid off according to the provisions of paragraph (U) shall be reemployed in a position thereof, or offered such appointment, in the reverse order from which their names were placed upon the list for the class, before any other employment or appointment is made in it.

(4) Any regular employee who resigns from a position in the classified service may, with the prior approval of the board, be reemployed in a position of the class or in a position of any lower class for which he is qualified, provided, that the reemployment is made within four years of the date of resignation, and that no person whose name appears upon either the reinstatement, employment, or reemployment list for a class to which any such person is reemployed is willing to accept an appointment therein. Any person who is reemployed shall be physically fit to perform the duties of the position to which he is appointed. He shall furnish a favorable medical certificate to the appointing authority and the board after a recent examination by a practicing physician.

(P) Employee Lists; Establishment and Maintenance. The board shall establish and maintain employment lists containing names of persons eligible for appointment to the various classes of positions in the classified service, as follows:

(1) Names of regular employees who are demoted from any class for a reason other than disciplinary action shall be placed upon the reinstatement list for the class from which they were demoted in the order in which the demotions were made.

(2) Only the names of regular employees who have been laid off in accordance with provision of paragraph (U) shall be eligible for entry upon the reemployment list. The names of such persons shall be entered upon the reemployment list for the class from which they were laid off in the order in which the layoffs were made.

(3) A name placed upon either the reinstatement or the reemployment list shall remain thereon for a period of four years. The board, however, may remove the name of any person who refuses an offer of employment following a certification from either list.

(4) Names of persons attaining a passing score on a promotion test shall be placed upon the promotion employment list for the class for which they were tested, from highest to lowest, according to their total seniority in the departmental service. The names of persons attaining a passing score on a competitive test shall be placed upon the competitive employment list for the class for which they were tested, from highest to lowest, according to their final test scores.

(5) Any person whose name is placed upon the competitive employment list for the entrance or lowest-ranking class in the classified service who has served in the armed forces of the United States of America during the times of war, and has been honorably discharged or discharged under honorable conditions, shall have added to his final test score a total of five points at the time of placing his name upon the list. Proof of such service and discharge shall be required by the board in any manner it deems advisable.

(6) The minimum and maximum period for which a name may remain upon a promotional and competitive employment list shall be twelve and eighteen months, respectively, for each list.

(7) The employment list for which eligibles are obtained

from the results of tests given for that purpose shall be reestablished in the manner further provided in this Section.

(8) When new names are to be placed upon a promotional list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to total seniority in the departmental service. When new names are to be placed upon a competitive list for a given class, the remaining names thereon shall be rearranged with the new names so that all names appearing upon the list for the class shall rank, from highest to lowest, according to their final test scores.

(Q) Testing Procedure

(Q) (1) Tests; Eligibility Determination. The board shall provide through the state examiner for tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists, as follows:

(a) Official notice of examination shall be posted on the bulletin board in each station of the respective department. The notice shall state (1) class of positions for which tests will be given, (2) whether the tests will be given on a promotional or competitive basis, and (3) the final date on which applications for admission to the tests will be received. The notice shall be posted for a continuous period of thirty days preceding the date for administering the tests. In addition to the posted notice, public notice for all tests to be given on a competitive basis shall be published at least four times during the thirty-day period in the official journal of the municipality in which such tests are to be held. This notice of examination need not reveal the exact date on which tests shall be administered, but all applicants shall be advised the date, place, and time to report for an announced test at least five days in advance thereof in any manner the board may prescribe. Each person comprising a group of candidates being tested at a given time for the same class of employment shall be given the same test, and it shall be administered in the same manner to each candidate. No questions shall be framed so as to elicit information concerning the political, factional, or religious opinions or affiliations of any applicant.

(b) All tests shall be restricted to those matters which will fairly test the relative capacity and fitness of the candidates to discharge the duties characteristic of positions of the class to which they seek to be appointed. Tests may include written or oral questions, trials on the performance of work characteristic of the class, inquiries into facts relating to education, experience, or accomplishments in specialized lines of endeavor, or any combination of these and other elements duly related to the purpose of the tests.

(c) Seventy-five percent shall constitute a passing score for all tests administered under the provision of this Section.

(d) Promotional tests for positions in the various classes in the classified service, except those classes in which positions shall be filled only from the competitive list, may be held as the needs of the service require, but must be given at least one time during each successive period of eighteen months.

(e) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

- (i) Chief of the departmental service.
- (ii) The entrance or lowest-ranking class in the classified service.
- (iii) The entrance or lowest-ranking class in any group of classes where the various classes have been divided into groups by the classification plan.
- (iv) Operation, maintenance, and supervision of radio, fire alarm, police alarm, and other signal systems.
- (v) Automotive or fire apparatus mechanics and repairmen.
- (vi) Secretary to the chief.
- (vii) Departmental records clerk.
- (viii) For a position in any class in the classified service after a reasonable effort by preceding methods provided by this Section have failed to produce names of persons

eligible for regular appointment thereto.

(f) All tests required by this Section shall be prepared, administered, and scored by the state examiner in accordance with the provisions of this Section. The results of the tests shall be furnished the board for which the tests have been held as soon as practicable after the tests have been administered. All test questions, answers, and papers shall at all times be kept in the custody of the state examiner, and shall be produced by him and exhibited by him at the domicile of any board upon its written request.

(g) The board for which any test is administered may, at any time, up to six months after receiving the results from the state examiner, receive and review any or all parts of the test and the methods used in its grading, in order to determine whether the test was a fair and reasonable one and was fairly graded. If, after the board reviews any test and consults with the state examiner, it concludes that any item or parts of the test were unfair or unreasonable or finds errors in the grading, it may, at its discretion, cause a regrading of the test, and, thereupon, correct or establish the appropriate employment list in accordance with the revised ratings. If the board finds that a fair rating can be determined only from an entire new test, it may cause a new test to be given to all persons taking the previous test and, establish a new employment list for the class from the results of such new test.

(h) Each applicant who makes a passing score on a test administered under the provisions of this Section shall be advised, in any manner the board prescribes, of his final grade and relative standing on the list appropriate or the class for which he was tested.

(2) Admission to Tests. Admission to tests shall be as follows:

(a) Admission to a promotional test shall be limited to regular employees of the class next lower from that for which they are to be examined. However, the rules may provide for admission to be extended to applicants from any one or more of the next lower classes.

(b) Admission to competitive tests shall be open to all persons who meet the requirements provided by this Section and the rules.

(c) Any applicant admitted to a test shall be a citizen of the United States of America and, if of legal age, shall be a qualified elector of the State of Louisiana.

(d) Special requirements or qualifications for admission to tests, or for eligibility for appointment, such as age, education, physical requirements, etc., may be established by the rules adopted by the board, after consultation with the appointing authority. Any applicant must be, at the time of his appointment to a position in the classified service, of good health, good moral character, and of temperate and industrious habits.

(e) The board may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who

which may be legally prescribed, as requirements for ad-

(i) Is found to lack any of the qualifications prescribed, or which may be legally prescribed, as requirements for admission to the tests for the class for which he has applied;

(ii) Is physically unfit to perform effectively the duties of a position of the class;

(iii) Is addicted to the habitual use of drugs or intoxicating liquors to excess;

(iv) Has been adjudged guilty of a crime involving moral turpitude or infamous or notoriously disgraceful conduct;

(v) Has been dismissed from the respective service for delinquency or misconduct;

(vi) Has made a false statement of any material fact; or

(vii) Has practiced, or attempted to practice, deception or fraud in securing eligibility for appointment or attempting to do so.

Any such facts shall also be considered cause for removal of any employee. The board shall reject any application filed after the time fixed for closing receipt of applications as announced in the public notice of the tests.

(3) Working Tests. Every person appointed to a position in the classified service following the certification of his name from a promotional or a competitive employment list, except those appointed on a temporary basis, shall be tested by a working test while occupying the position before he may be confirmed as a regular and permanent employee in the position.

The period of the working test shall commence immediately upon appointment and shall continue for a period of not less than six months nor more than one year. Any employee who has served at least three but less than six months of his working test for any given position may be removed therefrom only with the prior approval of the board, and only upon the grounds that (1) he is unable or unwilling to perform satisfactorily the duties of the position to which he has been appointed or (2) his habits and dependability do not merit his continuance therein. Any such employee may appear before the board and present his case before he is removed.

Upon any employee completing his working test, the appointing authority shall so advise the board and furnish a signed statement to the respective employee of its confirmation and acceptance of the employee as a regular and permanent employee in the respective position, or of its refusal to confirm the employee and the reasons therefor. If, at the expiration of an employee's working test period, the appointing authority fails to confirm or reject the employee, such failure to act shall constitute a confirmation. Any employee who is rejected after serving a working test of six months but not more than one year, may appeal to the board only upon the grounds that he was not given a fair opportunity to prove his ability in the position.

The appointing authority may remove, and shall remove upon the order of the board, any employee during his working test period who the board finds, after giving him notice and an opportunity to be heard, was appointed as a result of an error, misrepresentation, or fraud.

In any event where any employee is permitted under this Section to appeal to the board, the decision of the board shall be subject to the judicial review provided by this Section and the appointing authority and employee shall be governed accordingly.

(R) Certification; Appointment

(R) (1) Certification and Appointment. (a) Whenever the appointing authority proposes to fill a vacancy in the classified service, except by demotion, transfer, emergency appointment, or by substitute employment not to exceed thirty days, he shall request the board to certify names of persons eligible for appointment to the vacant position. The board shall thereupon certify in writing the names of eligible persons from the appropriate employment list as provided below. No such certification shall be valid for more than thirty days following the date thereof. The appointing authority shall, if he fills the vacancy, make the appointment as provided below.

(b) The board shall first certify the name of the person appearing upon the reinstatement list who is eligible for the first reinstatement in the class of the vacant position. The name of this person and all others appearing upon the reinstatement list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before the vacancy is filled by any subsequent method provided by this Subsection. The appointing authority shall appoint to the vacant position the first person so certified to him who is willing to accept the appointment. If the position is one of a class from which layoffs have been made as provided by paragraph (U) the names of eligible persons appearing upon the reemployment list for the class shall be certified and offered the appointment in the order provided by paragraph (P) before any other appointment is made thereto.

(c) In the event a vacancy cannot be filled by reinstatement, or by reemployment as above provided, the board shall next certify the names of persons upon the promotional list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled the one person certified to him who has the greatest seniority in the departmental service. Any remaining positions to be filled in the same class shall be filled by appointing to each such successive vacancy the one of the remaining persons certified therefor who has the next highest seniority in the departmental service. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint one of the persons certified by the board with the next highest seniority in the departmental service. This procedure shall

be followed until the position has been filled by appointment of the one person who has the greatest seniority in the departmental service, and who is willing to accept the appointment, or until each person whose name appears upon the list, has in this order been certified and offered the appointment for the vacancy.

(d) Certification and appointment from the competitive list shall be limited to those conditions and classifications for which the competitive test may be given as provided by paragraph (Q). Upon the appointing authority's request for the certification of eligible persons from which he may fill a vacancy, and if the competitive list is the appropriate list from which the names of eligible persons shall be certified, the board shall certify the names of the persons upon that list, in the order in which they appear thereon, for the class in which the vacancy is to be filled. The appointing authority shall select and appoint to the first vacancy to be filled, any one of the persons so certified to him for the vacancy. If any one or more persons so certified should refuse the appointment, the appointing authority shall then select and appoint any one of the remaining persons certified by the board. This procedure shall be followed until the position has been filled by appointment of one of the persons certified from the list and willing to accept the appointment, or until each person whose name appears upon the list has in this manner been certified for the vacancy.

(e) Appointment to any position in the classified service from which the regular employee is away on an authorized leave of absence shall be made in accordance with the provisions of this Subsection.

(f) The appointing authority shall notify the board of the filling of a vacancy as provided in paragraph (Y).

(2) Temporary Appointments. Temporary appointments may be made to positions in the classified service without the appointees acquiring any permanent status therein, as follows:

(a) (i) When a vacancy is to be filled in a position of a class for which the board is unable to certify names of persons eligible for regular and permanent, or substitute appointment, the appointing authority may make a provisional appointment of any person whom he deems qualified. When practicable, the appointment should be made by the provisional promotion of any employee of a lower class. A provisional appointment shall not continue for more than three months. No position in the classified service shall be filled by one or more provisional appointments for a period in excess of three consecutive months and successive like periods shall not be permissible. The board may, however, authorize the renewal of such appointment, or authorize such successive appointments for a period not to exceed three additional months whenever it has been impracticable or impossible to establish a list of persons eligible for certification and appointment to a vacancy. Any provisional appointment, if not terminated sooner, shall terminate upon the regular filling of the vacancy in any manner authorized under this Section, and, in any event, within fifteen days after a certification from which a regular, or substitute appointment, as the case may be, can be made under the provisions of this Section. A provisional appointment shall be reported to the board within fifteen days following the appointment.

(ii) During the times of war, and after the board continues to offer tests provided by this Section in an effort to obtain persons eligible for regular and permanent appointment to a position of any class which has been permanently vacated by the regular employee thereof, and it finds it impossible to establish a list of persons qualified for certification and permanent appointment to the position in the classified service, it may authorize the appointing authority to fill the position with a provisional appointee until the appropriate employment list can be established.

(iii) Provisional appointments may be made in any position until a classification plan is prepared and adopted and for such time thereafter as may be required for the preparation and administration of tests and the establishment of employment lists from the results of the tests. But such special authority shall be valid for a period of not more than eighteen months immediately following the date that this Section takes effect in the municipality.

(b) A substitute appointment may be made to any position in the classified service (1) from which the regular and permanent employee is away on an authorized leave of absence, or (2) from which the regular employee is substituting for some other regular employee who is authorized to be away from his respective position. No position shall be filled

by a substitute appointee for a time beyond that for which the regular and permanent incumbent is away on an authorized leave. Whenever such appointment shall continue for not more than thirty days, the appointing authority may appoint thereto any one whom he deems qualified. Substitute appointments made for a period exceeding thirty days shall be made in the same manner as provided in paragraph (R) for the filling of a vacancy by a regular and permanent appointment. Any person employed on a substitute basis shall, for the duration of the temporary employment, enjoy the class title and be entitled to receive the rate of pay for the class and position in which he is employed. The appointing authority shall notify the board within fifteen days following any substitute appointment made for a period to exceed thirty days, the name of the appointee, the class of position filled, the period for which the appointment was made and attach to the notification a signed copy of the leave of absence granted the employee for whom the appointing authority is substituting.

(c) Emergency appointments of any person may be made at any time the need of the service requires because of any local emergency of a temporary and special nature. No such appointment shall be effective or continued for more than ten days.

(S) Leaves of Absence. The board shall adopt rules to provide for leaves of absence in the various classes of the classified service. Such rules shall provide for annual vacation and sick leaves with pay, and special leaves with or without pay. They may provide for special extended leaves with or without pay or with reduced pay for employees disabled through injury or illness arising out of their employment. The right to regulate the time at which any employee may take an annual leave, or any other leave which is not beyond the control of the employee, shall be vested at all times with the appointing authority.

(T) Abolition of Positions. Whenever the appointing authority abolishes a position in the classified service and there is no position vacant in the respective class to which the regular employee of the abolished position may be transferred, the employee shall be transferred to any position of the same class which may be held by a provisional employee. If there is no such position he shall be transferred to another position in the respective class, and the holder of that position shall thereupon be demoted in the order provided by paragraph (M).

(U) Layoffs. If, for any reason, the lowest class in the classified service, or the lowest class in a respective group of classes, as grouped by the classification plan, should become overburdened with the number of persons holding positions therein, and a reduction of personnel becomes necessary, the reduction shall be made only by laying off persons without pay. The order of removal shall begin with the person youngest in point of his accumulated total service in the departmental service and shall continue upward until all persons to be removed have been laid off. Layoffs shall be made from positions only within the classes above set forth. The names of persons laid off, the date, the class of position held, and the order in which each person was laid off shall be reported to the board by the appointing authority. The board shall, thereupon, enter such information upon the reemployment list applicable for the class from which each person was removed.

(V) Corrective and Disciplinary Action

(V) (1) The tenure of persons who have been regularly and permanently inducted into positions of the classified service shall be during good behavior. However, the appointing authority may remove any employee from the service, or take such disciplinary action as the circumstances warrant in the manner provided below for any one of the following reasons:

(a) Unwillingness or failure to perform the duties of his position in a satisfactory manner.

(b) The deliberate omission of any act that it was his duty to perform.

(c) The commission or omission of any act to the prejudice of the departmental service or contrary to the public interest or policy.

(d) Insubordination.

(e) Conduct of a discourteous or wantonly offensive nature toward the public; any municipal officer or employee; and,

any dishonest, disgraceful, or immoral conduct.

(f) Drinking vinous or spirituous liquors while on duty or reporting for duty while under the influence of liquor.

(g) The use of intoxicating liquors, or habit-forming drugs, liquid, or preparation to an extent which precludes the employee from performing the duties of his position in a safe or satisfactory manner.

(h) The conviction of a felony.

(i) Falsely making a statement of any material fact in his application for admission to any test for securing eligibility or appointment to any position in the classified service, or, practicing or attempting to practice fraud or deception in any test.

(j) Using or promising to use his influence or official authority to secure any appointment to a position within the classified service as a reward or return for partisan or political services.

(k) Soliciting or receiving any money or valuable thing from any person for any political party or political purpose.

(l) Inducing or attempting to induce by treats of coercion, any person holding a position in the classified service to resign his position, take a leave of absence from his duties, or waive any of his rights under the provisions of this Section, or of the rules.

(m) The development of any defect of physical condition which precludes the employee from properly performing the duties of his position, or the development of any physical condition that may endanger the health or lives of fellow employees.

(n) The willful violation of any provision of this Section or of any rule, regulation, or order hereunder.

(o) Any other act or failure to act which the board deems sufficient to show the offender to be an unsuitable or unfit person to be employed in the respective service.

(2) Unless the cause or condition justifies an employee being permanently removed from the service, disciplinary action may extend to suspension without pay for a period not exceeding the aggregate of ninety days in any period of twelve consecutive months, reduction in pay to the rate prevailing for the next lower class, reduction or demotion to a position of any lower class, and to the rate of pay prevailing therefor, or such other less drastic action that may be appropriate under the circumstances. Nothing contained herein shall prevent any employee who is physically unable to perform the duties of his position from exercising his rights of voluntary retirement under any applicable law.

(3) Although it is incumbent upon the appointing authority to initiate corrective or disciplinary action, the board may, and shall upon the written request of any qualified elector of the state which sets out the reasons therefor, make an investigation of the conduct and performance of any employee in the classified service and, thereupon may render such judgment and order action to be taken by the appointing authority. Such action shall be forthwith taken by the appointing authority.

(4) In every case of corrective or disciplinary action taken against a regular employee of the classified service, the appointing authority shall furnish the employee and the board a statement in writing of the action and the complete reasons therefor.

(W) Appeals by Employees. Any regular employee in the classified service who feels that he has been discharged or subject to any corrective or disciplinary action without just cause, may, within fifteen days after the action, demand in writing, a hearing and investigation by the board to determine the reasonableness of the action. The board shall grant the employee a hearing and investigation within thirty days after receipt of the written request.

All such hearings and investigation conducted by the board pursuant to the provisions of this Section shall be opened to the public. No hearing and investigation shall be held unless both the employee and the appointing authority have been advised at least ten days in advance of the date, time, and place therefor. If either the appointing authority or the employee fails to appear at the place, and on the day and at the hour fixed for the hearing, the board may decide the issue involved on the basis of the evidence adduced and confined to the question of whether the action taken against the employee was made in good faith for cause set forth in the provisions of this Section. Both the employee and the appointing authority shall be afforded an opportunity to appear before the board, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Section. The board shall have complete charge of any such hearing and investigation, and may

conduct it in any manner it deems advisable, without prejudice to any person or party thereto. The procedure followed shall be informal and not necessarily bound by the legalistic rules of evidence. The board shall not be required to have the testimony taken and transcribed, but either the employee or the appointing authority may, at their own expense, make the necessary arrangements therefor. In such cases the board may name any competent shorthand reporter as the official reporter. If the testimony is not taken or transcribed, then the board shall make a written finding of the fact. After such investigation the board may, if the evidence is conclusive, affirm the action of the appointing authority. If they find that the action was not taken in good faith for cause under the provisions of this Section, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, demoted, or discharged, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of removal, suspension, demotion, discharge, or other disciplinary action. The board may modify the order of removal, suspension, demotion, discharge, or other disciplinary action by directing a suspension without pay, for a given period. The decision of the board, together with its written finding of fact, if required, shall be certified, in writing, to the appointing authority and shall be forthwith enforced by the appointing authority.

Any employee under classified service and any appointing authority may appeal from any decision of the board, or from any action taken by the board under the provisions of the Section which is prejudicial to the employee or appointing authority. This appeal shall be taken by serving the board, within thirty days after entry of its decision, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record, or written findings of fact, and all papers on file in the office of the board affecting or relating to such decision, be filed with the designated court. The board shall, within ten days after the filing of the notice of appeal, make, certify, and file the complete transcript, with the designated court, and that court shall thereupon proceed to hear and determine the appeal in a summary manner. This hearing shall be confined to the determination of whether the decision made by the board was made in good faith for cause under the provisions of this Section. No appeal to the court shall be taken except upon these grounds.

(X) Board Powers; Refusal to Testify. The board, and each of its members, shall have the same power and authority to administer oaths, subpoena witnesses, and compel the production of books and papers pertinent to any investigation or hearing authorized by this Section as is possessed by the district courts of Louisiana. Any person who (1) fails to appear in response to a subpoena, (2) fails to answer any question, except those which may incriminate him, (3) fails to produce any books or papers pertinent to any investigation or hearing, or (4) knowingly gives false testimony therein shall be subject to the penal sections of this Section. In case of contumacy or refusal to obey a subpoena issued to any person, the district court within the jurisdiction of which the investigation is being carried on, or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, or resides, or transacts business, upon application of the board, shall have the requisite jurisdiction to issue to the person an order requiring him to appear before the board, its member or agent, and to produce the required evidence or give testimony touching the matter under consideration or in question. Any person failing to obey such order may be punished by the court for contempt.

Any officer or employee in the classified service who willfully refuses or fails to appear before any court, officer, board, body or person properly authorized to conduct any hearing or inquiry, or any employee or officer, who, having appeared, refuses to testify or answer any relevant question relating to the affairs of government of the municipality or the conduct of any municipal officer or employee, except upon the ground that his testimony or answers would incriminate him, shall, in addition to any other penalty to which he may be subject, forfeit his position, and shall not

be eligible for appointment to any position in the classified service for a period of six years.

(Y) Municipal Officers and Employees; Duties. The appointing authority shall report to the board within fifteen days following any appointment or employment in a position in the classified service, unless otherwise provided, the name of the appointee, the title and character of his office or employment and the date the employee commenced work in the position. The appointing authority shall also report the date of and official action in, or knowledge of, any separation, promotion, demotion, suspension, lay-off, reinstatement, or reemployment in the classified section.

(Z) Acts and Activities Prohibited

(Z) (1) Political Activities Prohibited. (a) Political activities by and extending to employees of the classified service are hereby prohibited as follows:

(i) No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.

(ii) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.

(iii) No employee in the classified service shall, directly or indirectly, pay, or promise to pay, any assessment, subscription, or contribution for any political organization or purpose, or solicit or take part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of any employee in classified service. The prohibitions of this Subsection shall not be construed as applying to membership dues paid, or contributions made, to nonpolitical employee organizations, pension funds, civic enterprises, the Louisiana Civil Service League, or any similar nonpolitical and nonpartisan organization.

(iv) No employee in the classified service shall (a) be a member of any national, state, or local committee of a political party, (b) be an officer or member of a committee of any factional, political club or organization, (c) be a candidate for nomination or election to public office, (d) make any political speech or public political statement in behalf of any candidate seeking to be elected to public office, or (e) take any part in the management or affairs of any political party or in the political campaign of any candidate for public office, except to privately express his opinion and to cast his vote.

(v) No person elected to public office shall, while serving in the elected office, be appointed to or hold any position in the classified service.

(vi) No appointing authority, or agent or deputy thereof, shall directly or indirectly demote, suspend, discharge, or otherwise discipline, or threaten to demote, suspend, discharge or otherwise discipline, or discriminate against any person in the classified service for the purpose of influencing his vote, support, or other political activity in any election or primary election. No appointing authority, or agent, or deputy thereof, shall use his official authority or influence, by threats, promises or other means, directly or indirectly, to coerce the political action of any employee in the classified service.

(b) The appointing authority shall discharge from the service any employee whom he deems guilty of violating any one or more of the provisions of this Section. The board may, upon its own initiative, investigate any officer or employee in the classified service whom it reasonably believes guilty of violating any one or more of the provisions of this Section. The board shall, within thirty days after receiving the written charges, hold a public hearing and investigation and determine whether such charges are true and correct. If the board should find upon its investigation of any employee that he has violated any of the foregoing provisions, the board shall order the appointing authority to forthwith discharge the guilty employee from the service and the appointing authority shall forthwith discharge the employee.

(c) Whoever violates this Section shall be subject to the penalties provided in paragraph (A-2). In addition any employee in the classified service who is discharged because of violating a foregoing provision shall not again

in the classified service for a period of six years from the time of his discharge.

(2) Other Prohibited Acts. No person shall

(a) Make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provisions of this Section or commit or attempt to commit any fraud preventing the impartial execution of this Section and the rules.

(b) Directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the classified service.

(c) Defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under this Section, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

(A-1) Legal Services. If this Section, or its enforcement by the board is called into question in any judicial proceeding, or if any person fails or refuses to comply with the lawful orders or directions of the board, the board may call upon the attorney general, or the chief enforcing it. Nothing contained herein shall prevent any legal officer of the municipality, or may employ independent counsel to represent it in sustaining this Section and municipal officer, employee, or private citizen from taking legal action in the courts to enforce the provisions of this Section or of any rule, order, or other lawful action of the board.

(A-2) Penalties. Whoever willfully violates any provision of this Section or of the rules shall be fined not more than five hundred dollars and shall, for a period of six years, be ineligible for appointment to or employment in any position of the classified service. If he is an officer or employee of the classified service he shall forfeit his office or position.

(A-3) Effect of Other Laws. This Section shall not be rendered ineffective by any general law affecting municipal employees or municipal departments in matters of classified civil service except that the applicability of this Section shall be subject to and governed by the provisions on state and city civil service of the constitution provided, however, that any city and any parish government jointly with one or more cities under a plan of government, having once elected to accept the provisions of state and city civil service of the constitution may subsequently elect and determine to accept the provisions of this Section by a majority vote of its qualified electors voting at a general or special election, ordered and held for this purpose by the city or parish authorities, as the case may be, in the manner set forth in the provisions on state and city civil service of the constitution, provided further, that no local election or elections pursuant to the provisions of state and city civil service, insofar as they apply to and affect this Section, and no local election or elections pursuant to this Section shall be held more often than once every four years, in any one city.

(A-4) Provisions Self-Operative. The provisions hereof are self-executing and self-operative and the officials designated are authorized to carry the same into effect.

(A-5) Effective Date of Provisions. Any system of municipal fire and police civil service under Act 102 of 1944, as amended, or under the provisions of Sections 2471 through 2508 of Title 33 of the Louisiana Revised Statutes of 1950 or under any provision of the Constitution of 1921, which is in force on the effective date of this constitution, is continued in effect under the provisions of this Section.

The rights of any person under Act 102 of 1944, as amended, and under the above sections of the revised statutes which exist on the effective day of this constitution are continued in effect. Every rule, classification, plan, or allocation established under the above provisions which is in force on the effective day of this amendment is continued in effect until it is amended or repealed by the proper authority under this Section.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 11—

Article VII, Section 1. Retirement and Survivors' Benefits Section 1. (A) Retirement System; Public School Employees. The legislature shall provide for the retirement of teachers and other employees of the public schools through the establishment of a retirement system or systems for public school employees. Membership in such retirement system or systems shall be a contractual relationship, the accrued benefits of which shall not be diminished nor impaired, and the state shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

Source: La. Const. Art. XII, §23 (1921).

Comment: Revises the present constitutional provision by deleting the kinds of employees to be covered by the retirement fund. That provision requires the legislature to provide for a retirement fund for teachers, employees engaged in transporting students to and from schools, and those engaged as janitors, custodians, and maintenance employees.

The proposed provision requires the legislature to provide a retirement fund for teachers and other employees of public schools. It requires that the rights of each member in the contributions made by the member and by the employer be maintained at all times.

Declares that membership in such system or systems is a contractual relationship for which accrued benefits shall not be diminished nor impaired and that the state shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement.

(B) Retirement System; State Officers and Employees. The legislature shall provide for the retirement of officers and employees of the State of Louisiana or its political corporations and political subdivisions, including persons employed jointly by state and federal agencies other than the military service, through the establishment of a retirement system or systems. Membership in any retirement system of the state or of a political corporation thereof shall be a contractual relationship, the accrued benefits of which shall not be diminished nor impaired.

Source: La. Const. Art. XVIII, §§9, 9.1 (1921).

Comment: Combines the source provisions. Deletes the enumeration of specific boards, commissions, and corporation and political subdivision, municipality, or parish referred to in the source provisions.

Deletes the second unnumbered paragraph from Section 9 and 9.1.

The proposed provision requires the legislature to provide a system or systems for the retirement of officers and employees of the state or its political corporations and political subdivisions, including persons employed jointly by state and federal agencies other than the military service.

Declares that membership in such system or systems is a contractual relationship for which the accrued benefits shall not be diminished nor impaired.

(C) Financial Security for Surviving Spouses and Children of Law Enforcement Officers in Certain Cases. (1) It is hereby declared to be the public policy of this state, under its police power, to provide for the financial security of surviving spouses and dependent children of law enforcement officers where such officers suffer death as a result of injury sustained in the course of the performance of official duties or ensuing from any activity while on or off duty engaged in the protection of life or property.

(2) Law enforcement officers, within the meaning of this Section, shall include: all sheriffs and deputy sheriffs in the state employed on a full-time basis; all members of the state police thus employed; those municipal police officers to whom state compensation is or may be paid as provided by law; all enforcement personnel of the Louisiana Wildlife and Fisheries Commission; capitol security police; guards at state-owned hospitals; security officers on the campuses of state-owned colleges and universities; guards at state penal institutions; enforcement personnel of dock boards and levee boards; and other state employees whose primary responsibility is the full-time protection of state property; provided, however, that honorary law enforcement officers, all state probation and parole officers, including juvenile probation and parole officers shall not be construed or interpreted to be such law enforcement officers within the purview of this act.

(3) In any case in which a law enforcement officer, as

defined by this Section, suffers death, under the conditions described in Paragraph (A), the legislature shall appropriate the sum of ten thousand dollars, which shall be paid to the surviving spouse of such law enforcement officer, and in addition thereto, should such law enforcement officer be survived by minor children, the legislature shall appropriate the sum of five thousand dollars for each of the said minor children, which sum shall be paid to the duly appointed and qualified tutor or other legal representative of said child.

(4) No such payment shall be made until a judgment of a court of competent jurisdiction has become final and such judgment has decreed that the law enforcement officer did suffer death as a result of the conditions described in Paragraph (A) above.

(5) Suit shall be instituted by the attorney general against the legislative auditor in the district court of the parish in which the state capitol is situated in any case where it appears that such a law enforcement officer has suffered death in the circumstances provided by this Section and jurisdiction over such suit is hereby conferred on said court. Any judgment rendered by such court shall be subject to appeal as in other civil matters.

(6) Such suit may be instituted under the laws applicable to declaratory judgments and any such suit shall be regarded as presenting a justiciable controversy between the attorney general and the legislative auditor.

(7) This Section shall be self-operative and no further or additional legislation shall be required to place the provisions hereof in effect.

Source: La. Const. Art. XIV, §15.2 (1921).

Comment: The present provision allows survivors' benefits only where death occurs from physical violence while engaged in direct apprehension of a person during the performance of duty.

The revision authorizes payment of benefits to widows and children of law enforcement officers where death results from injury sustained in the course of the performance of official duties or activities, while on or off duty, undertaken in the protection of life or property.

Expands definition of law enforcement officers to include guards at the State Capitol, guards at state-owned hospitals, and security guards on the campuses of state-owned colleges and universities, enforcement personnel of dock boards and levee boards, and other state employees whose primary responsibility is the full-time protection of state property. It retains the provision that honorary law enforcement officers, all state probation and parole officers shall not be construed or interpreted to be such law enforcers, including juvenile probation and parole officers enforcement officers within the purview of this act.

Retains provision requiring the legislature to appropriate ten thousand dollars which shall be paid to the surviving widow and five thousand dollars to each surviving minor child of a law enforcement officer. The benefits described are allowed only where death is suffered by a law enforcement officer as defined and under the conditions described in this provision.

Retains provision withholding payment until a court of competent jurisdiction issues a final judgment and decrees that the law enforcement officer as defined suffered death under the conditions described herein.

Retains provisions determining the legal procedure without substantive change.

Retains provisions relating to the self-operative nature of this provision.

(D) Retirement Systems; Notice of Intention to Propose Amendments or Change; Publication. No proposal to amend or effect any change in existing laws or provisions of the constitution relating to any retirement system in this state shall be introduced into the legislature unless notice of intention to introduce such proposal shall have been published, without cost to the state, in the official state journal on three separate days, the last day of which is at least thirty days prior to the convening of the legislature in regular session. This notice shall state the substance of the contemplated law or proposal to amend the constitution. Evidence of publication of the notice shall be exhibited in

the legislature before the bill is passed, and every such bill shall contain a recital that the notice has been given.

Source: La. Const. Art. XIX, §25 (1921).

Comment: Retains present provision without substantive change.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 12—

Article II, Section 1. Penal Institutions and Convict Labor
Section 1. (A) State Penal Institutions; Reimbursement of Parish Expense. In parishes in which are located penal institutions of the State of Louisiana, the expenses incurred by the parish arising from crimes committed in such institutions or by the inmates or employees thereof shall be reimbursed by the state.

Source: La. Const. Art. XIV, §17 (1921).

Comment: Retained without change.

(B) Convict Labor. No convict sentenced to the state penitentiary shall ever be leased, or hired to any person or persons, or corporation, private or public, or quasipublic. No convict sentenced to the state penitentiary shall ever be employed in any enterprise in competition with private enterprise.

Source: La. Const. Art. III, §33 (1921).

Comment: Prohibits the leasing of convicts and the employment of convicts in competition with private enterprise.

The source provision prohibits leasing of convicts to any private, public, quasi-public person, corporation, or board. The legislature may authorize employment, under state supervision, of convicts on public roads or other public works, convict farms or manufacturies owned or controlled by the state.

The proposed provision retains the prohibition of convict leasing. Additionally, prohibits the employment of convicts in competition with private enterprise.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 13—

Article VII, Section 1. Arbitration

Section 1. The legislature shall pass such laws as may be proper and necessary to decide differences, with the consent of the parties, by arbitration.

Source: La. Const. Art. III, §36 (1921).

Comment: Rewords the present provision without substantive change. Directs the legislature to pass laws, with the consent of the parties, to provide for the settlement of disagreements by arbitration.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 14—

Article VII, Section 1. Economic Security, Social Welfare, Unemployment Compensation, and Public Health

Section 1. The legislature shall establish a system of economic security, social welfare, unemployment compensation, and public health.

Source: La. Const. Art. XVIII, §7; Art. VI, §§11, 12 (1921).

Comment: Requires the legislature to establish a system of economic security, social welfare, unemployment compensation, and public health. Existing provisions (Art. XVIII, §7) authorize the legislature to establish a system of economic security and social welfare which may include programs of unemployment compensation, promoting the health of mothers and children, care of crippled children, aid to Confederate veterans and their widows, and aid to the needy aged, blind, dependent children, and other individuals. Other existing provisions (Article VI, §§11, 12) require the legislature to create state, parish, and municipal boards of health and require the legislature to provide for the interest of state medicine "in all its departments."

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 15—

ARTICLE XI. REVENUE AND FINANCE

Section 1. Power to Tax; Public Purpose

Section 1. The power of taxation shall be vested in the legislature, shall never be surrendered, suspended, or contracted away, and shall be imposed for public purposes only.

Source: La. Const. Art. X, §1, 1 (1921).

Comment: Continues the existing provision vesting the taxing authority in the legislature and imposed the tax only for public purposes. Remainder of the source provision is covered by the property tax provision.

Section 2. Power to Tax; Limitation

Section 2. The levy of a new tax and any increase in an existing tax and any repeal of an existing exemption from a tax shall require the favorable vote of two-thirds of the members elected to each house of the legislature, as evidenced by a recorded vote. A like vote shall be necessary for the adoption of amendments to bills proposing the same and to reports of conference committees.

Source: La. Const. Art. III, §25.1; Art. X, §1(a) (1921).
Comment: Requires two-thirds vote on all tax matters

The new provision also requires a two-thirds vote on any repeal of an existing exemption from a tax.

Section 3. Collection and Refund of Taxes

Section 3. The collection of taxes shall not be restrained, and procedures shall be provided for the recovery of illegal taxes paid.

Source: La. Const. Art. X, §18 (1921).

Comment: This provision is substantially the same as Art. X, §18, La. Const. 1921.

Section 4. Limitations on Taxing Power; Graduated Rates, Severance Tax, and Subdivisions of the State

Section 4. (A) Equal and uniform taxes may be levied upon net incomes, and such taxes may be graduated according to the amount of net income; however, the state individual income tax rate on the first ten thousand dollars of taxable income for single return or twenty thousand dollars of taxable income for joint return shall not exceed two percent.

(B) Taxes may be levied on natural resources severed from the soil or water, to be paid proportionately by the owners thereof at the time of severance. Natural resources may be classified for the purpose of taxation, and such taxes may be predicated upon either the quantity or value of the products at the time and place of severance. No further or additional tax or license shall be levied or imposed upon oil, gas, or sulphur leases or rights, nor shall any additional value be added to the assessment of land by reason of the presence of oil, gas, or sulphur therein or their production therefrom. Likewise, severance taxes shall be the only tax on timber; however, standing timber shall be and remain liable equally with the land on which it stands for ad valorem taxes levied on said land.

(C) Political subdivisions of the state shall not levy taxes on income, natural resources severed from soil or water, or motor fuel. Any occupational license taxes levied by a political subdivision shall not be greater than those imposed by the state, and the total amount of any occupational license tax levied by a parish shall be reduced by the amount of any municipal occupational license tax levied.

(D) Three-fourths of the timber severance tax, one-third of the sulphur severance tax, one-fifth of the severance tax on all other natural resources severed from the soil or water, and one-tenth of the royalties from mineral leases on state-owned property shall be remitted to the governing authority of the parish in which severance occurs in which production is had, except, the amount of severance tax on sulphur so remitted shall not exceed one hundred thousand dollars to any parish for any year and the amount of severance tax on all other natural resources severed from the soil or water so remitted shall not exceed two hundred thousand dollars to any parish for any year.

Source: La. Const. Art. IV, §2, 3; Art. X, §§1 2, 5, 8, 21; Art. XIV, §24.1 (1921).

Comment: Provides for limitation on taxes on incomes, severance taxes, and taxing power of political subdivisions. Requires that taxes on incomes be equal, uniform, and graduated as did the 1921 Constitution. The references to exemption have been eliminated because "...the power to exempt from taxation, as well as the power to tax, is an essential attribute of sovereignty, and are generally granted only when and to the extent that they may be deemed to conserve the general welfare. The power to exempt may be exercised in the constitution or in a statute, unless the constitution expressly or by implication prohibits action by the legislature on the subject." (See 84 C.J.S. 414-415)

Paragraph B of Section 4 keeps the state income tax rate at no more than two percent for the lower

income tax brackets. The income tax rates for the higher brackets have been removed from the constitution.

The limitation on severance taxes on natural resources represents no substantive change in the present law. The \$1.03 per ton tax ceiling on sulphur is deleted since it is already statutory law. (See La. R.S. 47:633)

The limitation on the taxing power of political subdivisions has been expanded to include a prohibition of the taxing of incomes. The prohibition against political subdivisions taxing natural resources severed from soil or water and motor fuel represents no change in the present law. The limitation in occupational license taxes has been changed to include alcoholic beverages (Art. X, §8)

The new section contains the dedications of revenue from state leases and severance taxes to political subdivisions as was in the 1921 Constitution.

Section 5. Annual Motor Vehicle License Tax

Section 5. The legislature shall impose an annual license tax of three dollars on automobiles for private use, and on all other motor vehicles, an annual license tax based upon horsepower, carrying capacity, or weight, any or all. No parish or municipality may impose any license fee on motor vehicles.

Source: La. Const. Art. VI, §22(a) (1921).

Comment: No substantial change except no parish or municipality can impose a license tax on motor vehicles.

Section 6. Forestry

Section 6. Forestry shall be practiced in this state, and the legislature shall enact laws therefor.

Source: La. Const. Art. VI, §2, 1 (1921).

Comment: This provision is substantially the same as the first paragraph of Article VI, Section 2. The section deletes the provision of Section 2 which authorizes parish governing authorities to levy acreage taxes not exceeding two cents per acre.

Section 7. State Debt; Full Faith and Credit Obligations

Section 7. (A) The state shall have no power to contract, directly or through any state board, agency, or commission, the incurring of debt or the issuance of bonds except upon the affirmative vote of two-thirds of the members elected to each house of the legislature, and then only if the funds are to be used to repel invasion; suppress insurrection; provide relief from natural catastrophes; refund outstanding; indebtedness, but only to obtain a lower effective rate of interest; or make capital improvements, but only in accordance with a comprehensive capital budget, which the legislature shall adopt.

(B) If the purpose is to make capital improvements, the nature, location, and if more than one project, the amount allocated to each and the order of priority shall be stated in the comprehensive capital budget which the legislature adopts.

(C) The full faith and credit of the state shall be pledged to the repayment of all bonds or other evidences of indebtedness issued by the state directly or through any state board, agency, or commission.

(D) The legislature, by two-thirds affirmative vote of the members elected to each house thereof, may propose a statewide public referendum for the incurrence of debt for any purpose for which the legislature is not herein authorized to incur debt.

Source: La. Const. Art. I, §2 (1921), as amended by Acts 1965, No. 168.

Comment: "The state shall have no power to contract, directly or through any state board, agency, or commission," is included to prevent evasion or prohibition against incurrence of state debt by contracting in the name of a state board, agency, or commission. Similar language added to Louisiana Constitution of 1921 by Acts 1965, No. 168 has been successful in achieving this purpose.

Under this Section state debt may be incurred only by affirmative vote of two-thirds of the elected membership of each house of the legislature and then only for the following purposes: (1) repel invasion, (2) suppress insurrection, (3) provide relief from natural catastrophes, (4) refund outstanding indebtedness only to obtain a lower effective rate of interest, and (5) make capital improvements.

Under Louisiana Constitution of 1921, Art. I, §2, state debt may be incurred only upon two-thirds vote of elected membership of the legislature and then only

for purposes (1), (2), and (5), enumerated in the immediately preceding paragraph. In this Section, in addition to emergencies listed in (1) and (2), number (3) was added as a result of the probability of occasional natural catastrophes such as floods and hurricanes due to Louisiana's geographical location. Since there exists some doubt as to whether refunding provisions must be included in state constitutions for states to have such authority, to extinguish any doubt (4) was included to authorize refunding of state debt only to obtain a lower effective rate of interest. Under (5) state debt may be incurred to make capital improvements only if the nature, location, and if more than one project, the amount allocated to each and the order priority is stated in a comprehensive capital budget which shall be adopted by the legislature. Under this Section the legislature is intended to have authority to incur indebtedness to make capital improvements only if the improvements are included in a comprehensive state capital budget. It is the intention of this Section to force utilization by the state of a long-term capital improvement plan.

All state indebtedness, whether contracted in the name of the state or in the name of a state board, agency, or commission, is secured by pledge of the full faith and credit of the State of Louisiana. After the adoption of this constitution, no revenue bonds may be issued by the state or any state board, agency, or commission.

Under Louisiana Constitution of 1921, Art. IV, §2 as amended by Acts 1965, No. 168, it is provided, "this prohibition (against incurrence of state debt) shall not apply to cities, towns and villages, parishes, school boards or any other local political subdivisions of any kind..." (Explanation in parentheses supplied). Omission of this language is not intended to alter existing law; this Section applies to all state debt, whether contracted directly or indirectly, and only local political subdivisions are intended to be excluded from prohibition of this Section. (Limitation on incurrence of debt by local political subdivisions is provided in this constitution by Art. ----, Section ----.)

It is not intended that this Section abrogate authority granted in this constitution by Art. XI, allowing exceptions to prohibition against incurrence of state debt.

Under Louisiana Constitution of 1921, Art. IV, §2, the above quoted exception in conjunction with other constitutional provisions authorizes issuance of bonds supported by the full faith and credit of the state by various agencies such as Port of New Orleans (Louisiana Constitution of 1921, Art. VI, §16 et seq.). Omission from this Section of the above quoted exception is intended to alter existing law so that only bonds supported by the full faith and credit of the state may be issued and then only by affirmative vote of two-thirds of the elected membership of each house of the legislature.

Section 8 . State Debt; Interim Emergency Board

Section 8 . (A) The Interim Emergency Board hereby is created and shall be composed of the governor, the state treasurer, the legislative auditor, the chairman of the Senate Finance Committee, and the chairman of the House Appropriations Committee, or their designees.

(B) During the interim between sessions of the legislature, whenever it is determined by majority vote of the Interim Emergency Board that an emergency exists, and then only for a purpose for which the legislature may appropriate funds, after having obtained, as provided by law, the written consent of two-thirds of all members elected to each house of the legislature, the Interim Emergency Board may appropriate from the State General Fund, or borrow upon the full faith and credit of the state an amount to care for an emergency, which is an event or occurrence not reasonably anticipated by the legislature.

(C) The aggregate of indebtedness outstanding at any one time and the amount appropriated from the State General Fund for the current fiscal year, under the authority of this Section, shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

(D) Each fiscal year, as a first priority, there hereby is allocated from the State General Fund an amount sufficient

to pay any indebtedness incurred during the preceding fiscal year under the authority of this Section.

Source: La. Const. Art. IV, §§1(a) and 17 (1921).

Comment: The Board of Liquidation of the State Debt, created pursuant to Louisiana Constitution of 1921, Art. IV, §1(a), is abolished; the Interim Emergency Board is created with powers, duties, and functions different from the Board of Liquidation of the State Debt.

Under this Section it is intended the Interim Emergency Board is authorized to appropriate from the State General Fund or to borrow upon the full faith and credit of the state only if the following conditions are met:

(1) Certification by the board that there exists an emergency, which is an event or occurrence not reasonably anticipated by the legislature;

Note: It is not intended the Interim Emergency Board shall have authority to appropriate from the State General Fund or to borrow upon the full faith and credit of the state for any cause which already has been considered by the legislature or which reasonably could have been foreseen by the legislature.

(2) Receipt of written consent by two-thirds of all members elected to each house of the legislature;

(3) The emergency shall be for a purpose for which the legislature may appropriate funds;

(4) The total amount of indebtedness outstanding at any time, and the amount appropriated from the State General Fund for the current fiscal year, under the authority of this Section, shall not exceed one-tenth of one percent of total state revenue receipts for the previous fiscal year.

Note: "Total state revenue receipts" is intended to include all revenue receipts, whether or not of a tax nature. Therefore, inclusive are federal grants, mineral revenues, etc.

Section 9 . State Debt; Maximum Debt Service Expense for All Purposes

Section 9. The legislature shall enact no law authorizing the incurrence of state debt, whether contracted directly by the state or indirectly through a state board, agency, or commission, if incurrence of the indebtedness would result in total annual debt service requirements on all state obligations, whether outstanding or authorized and unissued, exceeding an amount equal to fifteen percent of the average total revenues from state sources available for debt service for the preceding three years.

Source: New

Comment: Under this Section total state indebtedness, whether contracted directly by the state or through any state board, agency, or commission, and whether outstanding, authorized and unissued, or proposed, shall not result in total annual debt service requirements exceeding 15 percent of the average total revenues from state sources for the preceding three years.

As used in this Section, "total revenues from state sources" includes only state funds available for debt service. Thus, inclusive not only are tax collections, but also all other state revenues. However, federal funds are excluded. Nothing contained herein is intended to prevent the use of federal funds for debt service requirements. But it is not intended federal funds, even if available for debt service requirements, should be included in "total state revenue receipts" for calculation of total state indebtedness permissible under this Section.

As used in this Section, "debt service requirements" is intended to mean principal and interest due on all state obligations, regardless of the manner of incurrence, and irrespective of status of the obligations, whether outstanding, authorized and unissued, or proposed.

Many states have avoided constitutional limitations on state debt by utilization of one or more concepts, the most often employed being the following: (1) revenue bonds and the special fund doctrine: this is a jurisprudential rule, followed in some states, which provides that issuance of revenue bonds, secured solely by revenue from designated sources not resulting directly in new or additional taxes, is a form of borrowing which is not a debt and, therefore, excluded from the maximum state debt limitation; (2) state boards, agencies, and commissions: some courts have held that where the incurrence of debt is contracted in the name of a state board, agency, or commission, state debt is not incurred and, therefore, the maximum state debt limitation is not applicable. It is

intended this Section will prevent any and all evasion of the state debt limitation provided herein.

Section 10 . State Debt; Political Subdivisions of the State; Issuance and Sale of Obligations; State Bond Commission; Approval Required

Section 10 . (A) The State Bond Commission hereby is created and its membership and authority shall be determined by the legislature.

(B) No bonds or other obligations shall be issued or sold by the state, directly or through any state board, agency, or commission, or by any political subdivision of the state, unless prior written approval of the State Bond Commission is obtained.

Source: New

Comment: The State Bond Commission, which under present law (LSA-R.S. 39:401 et seq.) is a statutory commission, is granted constitutional status. Membership of the commission shall be determined by the legislature. It is intended the authority of the commission shall be determined by the legislature, provided this determination shall be consistent with part (B) of this Section.

No bonds or other obligations of the state or any political subdivision of the state shall be issued or sold without prior written approval of the State Bond Commission. It is intended for this requirement to be applicable irrespective of the nature of the security involved, i.e., whether obligation is supported by full faith and credit of state, full faith and credit of political subdivision of state, or by revenue bonds issued by political subdivisions.

Since the financial status of the state is affected not only by state indebtedness but also by indebtedness of the state's political subdivisions, to promote financial stability and fiscal responsibility it is the intention of this Section to require approval by the State Bond Commission of the issuance or sale of all obligations by the state and its political subdivisions.

Section 11. Collection of State Funds; Bond Security and Redemption Fund

Section 11. All money received by the state or by any state board, agency, or commission, immediately upon receipt, shall be deposited in the state treasury, except money received as grants or donations or other forms of assistance when the terms and conditions thereof require otherwise, and except money received by trade or professional associations and then only if excluded by the affirmative vote of two-thirds of the members elected to each house of the legislature.

Subject to contractual obligations existing at the time this constitution is adopted, all state money deposited in the state treasury, except money received as grants or donations or other forms of assistance when the terms and conditions thereof require otherwise, shall be credited to a special fund designated as the Bond Security and Redemption Fund. In each fiscal year there hereby is allocated from the Bond Security and Redemption Fund an amount sufficient to pay all obligations, including but not necessarily limited to principal, interest, premiums, sinking or reserve fund requirements, which are secured by the full faith and credit of the state and which become due and payable within the current fiscal year. Thereafter, all money remaining in the Bond Security and Redemption Fund shall be credited to the State General Fund.

Source: New

Comment: As used in this section, "All money received by the state or by any state board, agency, or commission" is intended to include all state revenue receipts, irrespective of source, with two exceptions, which are (1) money received as grants or donations or other forms of assistance when the terms and conditions thereof deposit other than in the state treasury and (2) money received by trade or professional associations and then only if excluded by affirmative vote of two-thirds of the members elected to each house of the legislature. The first exception is intended to include both public and private donations, grants or other forms of assistance. The second exception is intended to allow the exclusion of membership fees and other money contributed by members of trade or professional associations. Exclusion is possible only by two-thirds affirmative vote of each

house of the legislature. It is the intention of this Section to allow exclusion under the second exception only where there is involved money contributed by members of trade or professional associations which money primarily is used for operating expenses.

The language "Subject to contractual obligations existing at the time this constitution is adopted" is intended to protect the holders of outstanding obligations of the State of Louisiana and its boards, agencies, and commissions. Nothing herein is intended to impair any contractual obligations existing at the time this constitution is adopted.

Under this section all obligations secured by the full faith and credit of the state additionally will be secured by the Bond Security and Redemption Fund, to which is allocated each fiscal year a sum sufficient fully to pay all obligations maturing within the current fiscal year. The Bond Security and Redemption Fund is intended to provide a first priority for payment of all obligations due and payable within the current fiscal year. After satisfaction of debt service requirements on all state obligations for the current fiscal year, the balance in the Bond Security and Redemption Fund is credited to the State General Fund.

The requirement that all state revenue receipts, with two exceptions, shall be deposited in the state treasury, with debt service requirements of the current fiscal year receiving first priority, is intended to make more meaningful the pledge of full faith and credit of the state, thereby resulting in substantial savings to the state in debt service requirement.

Section 12. Expenditure of State Funds

Section 12. (A) Money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law. Each appropriation shall be for a specific sum of money and for a specified object.

(B) Total appropriations made by the legislature for any fiscal year shall not be greater than the anticipated revenues of the state.

(C) An appropriation shall be for a term no longer than one year, and the legislature shall provide for the publication of a regular statement of receipts and expenditures of all state money at intervals of not more than one year.

(D) Except as otherwise provided in this constitution appropriation shall allocate to any object the proceeds of any particular tax or a part or percentage thereof except when required by the federal government for participation in federal programs.

(E) No appropriation shall be made under the head or title of contingent, nor shall an appropriation be made except for public purposes.

Source: La. Const. Art. IV, §§1, 10 (1921).

Comment: It is the intention of this Section that money can be withdrawn from the state treasury only pursuant to an appropriation in accordance with law, inclusive of which are the following requirements:

(A) An appropriation must be for a definite amount and for a specified purpose. This represents no change in substance of La. Const. of 1921, Art. IV, §10;

(B) The total appropriations authorized by the legislature during any fiscal year shall not exceed anticipated state revenues. "Anticipated state revenues" is intended to mean estimated state revenues as enumerated in the budget estimate submitted to the legislature each year by the governor pursuant to Article XI, Section 13 of this constitution. This provision is new and is intended to promote fiscal responsibility;

(C) The term of an appropriation shall be no longer than one year. This represents a change in La. Const. of 1921 Art. IV, §1 which imposes a maximum term of two years. This change was prompted by reduction of frequency of regular legislative sessions from two years to one year. Also the legislature shall provide at least once each year a publication of an accounting of all state money, including detailed information regarding receipts and expenditures.

(D) In Subdivision "D" of this Section the language "except as otherwise provided in this constitution" refers to severance tax dedications contained in Article ----, Section ---- of this constitution. It is the intention of this Section to abolish all other dedications, which makes a pledge of the full faith and credit of the state much more meaningful, thereby resulting in substantial savings to the state through decreased interest expense on state indebtedness, which always is secured by the

full faith and credit of the state under Article XI, Section 7 of this constitution.

(E) Subdivision "E" of this section prohibits contingency appropriations as provided in La. Const. of 1921, Art. IV, §10.

(F) No appropriation shall be made except for public purposes. No similar provision is contained in Louisiana Constitution of 1921. Addition herein is intended to prohibit appropriations for other than public purposes. Section 13. Management of State Funds; Budgets.

Section 13. (A) The governor shall submit to the legislature, at a time fixed by law, a budget estimate for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues, and shall submit a general appropriation bill to authorize the proposed ordinary operating expenditures and, if necessary, a bill or bills containing recommendations in the budget for new or additional revenues.

(B) The governor shall submit to each regular session of the legislature a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program. All capital outlay projects approved by the legislature shall be made a part of the comprehensive state capital budget which shall be adopted by the legislature.

Source: La. Const. Art. IV, §9 (1921).

Comment: It is the intention of this Section to require the governor to submit to the legislature each year not only a budget estimate of the next fiscal year setting forth all proposed state expenditures and anticipated state revenues in addition to a general appropriation bill for authorizing ordinary operating expenses but also a five-year capital outlay budget with a request for implementation of the first year of the five-year program. Also, all capital improvements must be included in this comprehensive state capital budget which shall be adopted by the legislature.

It is the intention of this Section to force capital budgeting by the state.

Section 14. Management of State Funds; Public Record

Section 14. All reports and records of the collection, expenditure, investment, and use of state moneys and all reports and records relating to state obligations shall be matters of public record except returns of taxpayers and matters pertaining thereto.

Source: New

Comment: No substantive change in existing statutory law is intended, and it is not the intention of this Section to require returns of taxpayers and matters pertaining thereto to be public records. Also, it is not the intention of this section to prescribe exchange of information between this state and the United States or other states.

Section 15. Management of State Funds; Investment

Section 15. All money available for investment in the custody of the state treasurer shall be invested as provided by law.

Source: New

Comment: This Section represents no change in existing statutory law. It is the intention of this Section that the legislature shall determine the manner and procedure for investment of state money.

Section 16. Management of State Funds; Donation, Loan, or Pledge of Public Credit

Section 16. (A) The funds, credit, property or things of value of the state, or of any political corporation thereof, shall not be loaned, pledged, or donated to or for any person or persons, associations or corporations, public or private, shall the state nor any political corporation purchase or subscribe to the capital stock or stock of any corporation or association whatever or for any private enterprise.

(B) Nothing contained in this Section shall prevent inter-cooperation between the state and its political corporations or between political corporations, or between the state or its political corporations and the United States, or between the state or its political corporations and any public or private association or corporation or individual for a public purpose.

Source: La. Const. Art. IV, §12 (1921).

Comment: It is the intention of this Section to allow the loan, pledge, or donation of property of the state or its political corporations only for public purposes. This Section represents a change in substance of the source provision, which prohibited any funds, credit, property or things of value of the state or its political corporations to be loaned, pledged or donated to any person for any purpose excluding certain exceptions contained within the source provision. Under this Section the term "public purpose" is left to interpretation by the judiciary so that there is sufficient flexibility for a lasting and workable document.

Contra to La. Const. of 1921, Art. IV, §12, under this Section intercorporation is permissible between the state and its political corporations or between political corporations or between the state and its political corporations and the United States.

Section 17. Release of Obligation to State, Parish or Municipal Corporation; Taxes on Confiscated Property

Section 17. The legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability, or obligation of any corporation or individual to the state, or to any parish or municipal corporation thereof; provided, that the heirs to confiscated property may be released from all taxes due thereon at the date of its reversion to them; however, whenever any immovable property has been forfeited or adjudicated to the state for the nonpayment of taxes due prior to January 1, 1880, and the state did not sell or dispose of the same, or dispossesses the tax debtor or his heirs successors, or assigns prior to the adoption of the Constitution of 1921, it shall be presumed conclusively that such forfeiture or adjudication was irregular and null, or that the property has been redeemed, and the state and its assigns shall be estopped forever from setting up any title to such property by virtue of such forfeiture or adjudication.

Source: La. Const. Art. IV, §13; Art. X, §20 (1921).

Comment: This section represents no change in substance of the source provisions, but there is modernization of language. This section is retained in this constitution for protection of certain property rights and for quieting to the disputes in addition to prohibiting the legislature from releasing or extinguishing obligations in favor of the state or its political subdivisions, provided heirs to confiscated property may be released from all taxes due thereon at the date of its reversion.

Section 18. Legislation to Enable Compliance with Federal Laws and Regulations to Secure Federal Aid in Capital Improvement Projects

Section 18. The legislature may enact legislation to enable the state, its agencies, boards, and commissions, and political subdivisions of the state and their agencies to comply with federal laws and regulations in order to secure federal participation in the cost of capital improvement projects.

source: La. Const. Art. IV, §18 (1921).

Comment: This Section represents no change in substance of the source provision, but there is modernization of language. As provided in the source provision, this Section is intended to grant power to the legislature to enact legislation to authorize relocation payments in addition to just compensation for property rights if necessary to participate in federal capital improvement projects.

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 16—

Article ---- Section ----. Alienation of Water Bottoms; Reservation of Mineral Rights

Section ----. The legislature shall neither alienate nor authorize the alienation of the beds of navigable water bodies except for purposes of reclamation by the riparian owner to recover land lost through erosion occurring subsequent to the date of adoption of this constitution, provided such reclamation is effected within ten years from the date on which the erosion occurs. Except as provided herein, no bed of any navigable water body may be reclaimed except for public use. The mineral rights on all property sold by the state shall be reserved, except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for

taxes. This shall not prevent the leasing of such lands for mineral or other purposes.

Source: La. Const. Art. IV, §2 (1921).

Comment: Changes the source provision to prohibit alienation of the beds of navigable water bodies except for reclamation of land lost through erosion and to require that land formed by any other reclamation project be dedicated to public use.

Article ----, Section ----. Royalty Road Fund

Section ----. From all mineral leases to be granted by the state, as well as from all mineral leases heretofore granted by the state on state-owned land, lake and riverbeds, and other water bottoms belonging to the state or the title to which is in the public for mineral development, it is hereby provided that ten percent of the royalties received by the state from such lease or leases shall be placed, by the state treasurer, as received, in a special fund to the credit of the parish from which the production is had, said fund to be known as Royalty Road Fund and that said money so accumulated in said Royalty Road Fund to the credit of said parish in which the production is had, shall be subject to withdrawal by the State Department of Highways, or its successor, for the purpose and shall be used exclusively by said department or the successor thereof for the building and constructing of blacktop, concrete or other hard-surfaced roads, highways, bridges, and tunnels in said parish, and to purchase, operate, and maintain automobile ferries in said parish.

Source: La. Const. Art. IV, §2 (1921).

Comment: Provides no change from the source provision.

Article ----, Section ----. Minerals Beyond Three-Mile Limit

Section ----. All revenues and royalties of every nature and kind obtained from minerals of all kinds located beyond the three-mile limit of the coastal waterways of the State of Louisiana, shall be the property of the State of Louisiana, and all funds derived therefrom shall be deposited in the state treasury and dedicated to the retirement and payment of all existing bonded indebtedness of the State of Louisiana.

Source: La. Const. Art. IV, §2(b) (1921).

Comment: Provides no change from the source provision.

Article ----, Section ----. Tideland Mineral Revenues; Use of Funds

Section ----. Notwithstanding any other provision of the constitution or of the laws of this state, all funds received by the State of Louisiana during the calendar year 1966 and thereafter from revenues derived from tidelands mineral leases and now or hereafter held in escrow under an agreement executed by and between the State of Louisiana and the United States government pending settlement of the claims of the State of Louisiana with regard to its portion of such revenues, but not including any portion of such funds derived from royalties received by the state from mineral leases which are required to be placed in the Royalty Road Fund to the credit of the parish from which production is had and not including any portion of such funds now dedicated or allocated to public education purposes, shall be credited by the state treasurer to a special fund in the state treasury.

So much of the monies credited to the special fund hereinabove provided for as are needed for the purpose shall be expended by the state treasurer, when authorized and directed to do so by the Board of Liquidation of the State Debt, to purchase and retire in advance of maturity the callable bonds or other evidences of indebtedness of the State of Louisiana or its agencies, boards, and commissions. Monies thereafter remaining on deposit in said special fund, which cannot be expended immediately for the purpose hereinabove provided, shall be invested by the state treasurer, in such amounts as he in his discretion may deem advisable and in the best interest of the state. Such funds, including any interest earned thereon, shall be invested and reinvested in time certificates of deposit in state banks organized under the laws of Louisiana or national banks having their principal office in the State of Louisiana and in short-term United States Treasury bills and in bonds and other direct obligations of the United States government.

Out of the total funds remaining in the said special fund

on the last day of each calendar year there shall be set aside such amount as is needed to pay the principal of and interest on the outstanding bonded and other indebtedness of the state and its agencies, boards, and commissions in the next succeeding calendar year, as hereinabove provided, and such funds so set aside shall be so used. Thereafter, not more than ten percent of the total value of the said special fund remaining on the last day of each preceding calendar year, up to but not in excess of ten million dollars, may be appropriated by the legislature during the first calendar year following the adoption of this amendment in 1966 and in any calendar year thereafter, for capital improvements, including the purchase of land, architect and engineering fees, construction costs and equipment for buildings, and other costs.

This Section shall be self-operative and shall require no further or other legislation to place it into effect.

Source: La. Const. Art. IV, §2(d) (1921).

Comment: Provides no change from the source provision.

Article ----, Section ----. Commissioner of Agriculture

Section ----. The Department of Agriculture shall be headed by the commissioner of agriculture, who shall be elected for a term of four years by the electors of the state as prescribed by law. The duties and powers of the commissioner shall be prescribed by the legislature.

Source: La. Const. Art. V, §18; Art. VI, §13 (1921).

Comment: Provides no substantive change from the present constitution except deletion of the provision authorizing the legislature to consolidate the office and the provision mandating the legislature to enact laws fostering agriculture and authorizing the legislature to enact laws to limit or prohibit the cultivation of specified crops in certain areas with compensation provided for damages arising therefrom.

Article ----, Section ----. Natural Resources and Environment; Public Policy

Section ----. The natural resources of the state, including air and water, shall be protected, conserved, and, insofar as possible, replenished, consistent with the health, safety, and welfare of all people. The healthful, scenic, historic, and esthetic quality of the environment shall be preserved insofar as possible. The legislature shall implement this policy by appropriate legislation.

Source: La. Const. Art. VI, §1 (1921).

Comment: Enlarges the source provision to add an environmental policy statement and a legislative mandate directing the legislature to implement the public policy set forth in the article.

Article ----, Section ----. Wildlife and Fisheries Commission

Section ----. The wildlife of the state, including wild game and nongame quadrupeds or animals, game, oysters, fish and other aquatic life, are hereby placed under the control and supervision of Louisiana Wildlife and Fisheries Commission, consisting of seven members, appointed by the governor, six of whom shall serve for a term of six years, and one of whom shall serve for a term concurrent with the term of the governor. Three shall be electors of the coastal parishes and representatives of the commercial fishing and fur industries, and three shall be electors from the state at large.

No member shall be eligible for reappointment who shall have served for as many as six years or more.

The specific functions, duties, and responsibilities of the commission and the compensation of its members shall be as provided by the legislature.

Source: La. Const. Art. VI, §1(A) (1921).

Section ----. A state forester shall be appointed by the Louisiana Forestry Commission, and he must be a graduate provision except deletion of provisions regarding dual officeholding, salary, procedural matters, and selection of a director.

Article ----, Section ----. Forestry Commission

Section ----. The practice of forestry in the State of Louisiana is hereby placed under a Louisiana Forestry Commission, which is hereby established in the Executive Department. The Louisiana Forestry Commission shall consist of seven members, five of which are to be appointed by the governor for terms of five years each, and two, namely the head of the Department of Forestry at Louisiana State University and Agricultural and Mechanical College and the director of Wildlife and Fisheries, who shall serve as ex officio members of the commission by virtue of their offices. Two of the members shall be owners or executive managers of interests owning and operating timberlands;

one shall be the owner of farm lands interested in reforestation; one shall be a pulp and paper mill owner or executive manager of interests manufacturing or treating poles, piling, posts, cross-ties, or veneer.

Source: La. Const. Art. VI, §1(B) (1921).

Comment: Provides no substantive change from the source provision except deletion of provisions regarding salary of commissioners, domicile of commission, and other procedural matters.

Article ----, Section ----. State Forester

Section ----. A state forester shall be appointed a graduate of forestry from an accredited school and have at least four years of forestry experience in the south.

Source: La. Const. Art. VI, §1(B) (1921).

Comment: Provides no substantive change from the source provision except deletion of provisions regarding the powers, duties, and functions of the state forester.

Article ----, Section ----. Public Service Commission

Section ----. The Public Service Commission is hereby created to consist of five members elected at the time fixed for congressional election from districts established by law for overlapping terms of six years, provided that the legislature shall establish initial terms of less than six years to implement said composition.

Source: La. Const. Art. VI, §§3, 8 (1921).

Comment: Changes composition of commission from three to five members, deletes provisions concerning conflict of interests, salary of commissioners, employment of staff, and domicile of commission and requires the legislature to establish new districts.

Article ----, Section ----. Authority

Section ----. The commission shall regulate all common carriers and other public utilities, adopt and enforce reasonable rules, regulations, and procedures for the discharge of its duties, and perform such other functions as provided by law.

Source: La. Const. Art. VI, §4 (1921).

Comment: Provides no substantive change from source provision in regard to authority of commission except deletions of provision to grant commission detailed, specific powers.

Article ----, Section ----. Limitations

Section ----. The commission shall have no authority to regulate any public utility operated by the governing authority of a political subdivision except by the consent of a majority of the electors voting in an election held for that purpose, nor shall the commission have any authority to regulate the price of natural gas sold for industrial use.

Source: La. Const. Art. VI, §§4, 7 (1921).

Comment: Changes source provision to prohibit the commission from regulating the price of natural gas sold for industrial use.

Article ----, Section ----. Decisions; Appeal

Section ----. The commission shall render a decision on a rate proposal within six months from the date of filing of such proposal; otherwise, the proposed schedule may be placed in effect by the utility under bond or other security, in accordance with procedures to be fixed by the legislature. If the commission should fail to render its decision within an additional period of three months, the proposed schedule shall be deemed approved. Any decision so rendered shall be subject to judicial review in accordance with procedures otherwise provided in this constitution.

Source: La. Const. Art. VI, §§5, 6 (1921).

Comment: Deletes provisions concerning the effect of decisions of commission, with penalties for violation thereof, procedures for issuance of a temporary restraining order, review of appeals summarily, right of appeal exclusively to the Nineteenth Judicial District Court with appeal therefrom by right to the Louisiana Supreme Court. Requires a timely decision on all rate proposals and provides for judicial review in accordance with this constitution.

Article ----, Section ----. Geothermal-Geopressure Resources

Section ----. The state shall conserve, manage, and regulate the development and utilization of geothermal-geo-

pressure resources for the benefit of all people including future generations.

Source: New

Comment: Sets forth the public policy of the state in regard to development and utilization of geothermal-geopressure resources.

Article ----, Section ----. Mineral Rights; Alluvion

Section ----. Mineral rights to land formed or exposed by accretion or dereliction caused principally by acts of man, on a water body the bed of which is owned by the state, are retained by the state.

Source: New

Comment: Provides for the state to retain mineral rights which would otherwise have been lost by operation of La. Civil Code Art. 509 and Art. 510.

Article ----, Section ----. Mineral Rights; Erosion

Section ----. Mineral rights to land lost by erosion caused principally by acts of man, on a navigable water body, are retained by the riparian landowner.

Source: New

Comment: Provides for the riparian landowner to retain mineral rights which would otherwise have been lost by operation of La. Civil Code Art. 509 and Art. 510.

COMMITTEE RESOLUTION No.

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A RESOLUTION

To urge and request the Committee on Revenue, Finance and Taxation to revise La. Const. Art. IV, §12 to allow the state to guarantee loans for agricultural purposes.

WHEREAS, the Constitutional Convention recognizes the need to foster and encourage agriculture; and

WHEREAS, a program wherein agricultural loans for preserving and marketing agricultural products and for promoting farm youth organizations is essential to agriculture.

THEREFORE, BE IT RESOLVED that this convention urge and request the Committee on Revenue, Finance and Taxation to revise La. Const. Art. IV, §12 to allow this state to guarantee loans for agricultural purposes.

BE IT FURTHER RESOLVED by this convention that La. Const. Art. IV, §§12(b) and (c) be retained if pledging the state's credit for agricultural purposes is prohibited in the new constitution.

COMMITTEE RESOLUTION No.

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Valesquez, Warren and Womack:

A RESOLUTION

To urge and request the Committee on Revenue, Finance and Taxation to revise La. Const. Art. VI, §§19, 22, and other sections to allow the state to cooperate with the federal government in order to insure maximum participation of federal funds to construct state highways.

WHEREAS, the Constitutional Convention recognizes the need to improve and beautify the state highway system; and

WHEREAS, a program to insure maximum participation of federal funds is essential to construct, improve, and beautify state highways.

THEREFORE, BE IT RESOLVED that this convention urge and request the Committee on Revenue, Finance and Taxation to revise La. Const. Art. VI, §19, 22, and other sections to allow the state to cooperate with the federal government in order to insure maximum participation of federal funds to construct state highways.

BE IT FURTHER RESOLVED by this convention that La. Const. Art. VI, §19.3 be retained if use of highways funds for purposes other than construction and maintenance of highways is prohibited in the new constitution in such a manner that participation of federal funds is curtailed.

Bill of Rights Minority Positions

TO: All Delegates to the Constitutional Convention of Louisiana of 1973

FROM: Committee on Bill of Rights and Elections

RE: Minority Positions with Respect to "Article I. Declaration of Rights"

The following minority reports to the committee proposal on "Article I. Declaration of Rights" are submitted by members of the committee.

Minority Report No. 1 by Delegates Stinson, Jenkins, and

Weiss would include an additional section in the "Declaration of Rights" as follows:

Section ... Rights of the Family

Laws restricting the right of an unmarried man and woman to marry shall be limited to reasonable requirements as to health, full consent, waiting period, registration, marriage of relatives, and, in the case of minors, minimum age and parental consent. Subject to reasonable minimal standards of health, education, and welfare of the child established by law, parents have the paramount right to rear their children in accordance with their own convictions.

Minority Report No. 2 by Delegates Dunlap, Jenkins, Stinson, and Weiss would delete the "Section 8. Freedom from Discrimination" in its entirety from the "Declaration of Rights".

Minority Report No. 3 by Delegates Jenkins, Dunlap, and Weiss would delete the words "or cases in which no parole or probation is permitted" from "Section 16. Trial by Jury in Criminal Cases" in the "Declaration of Rights".

Minority Report No. 4 by Delegates Weiss, Roy, and Stinson would include an additional section in the "Declaration of Rights" as follows:

Section ... Treason

Treason against the state shall consist only in levying war against it. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act or on his confession in open court.

Minority Report No. 5 by Delegates Roy, Soniat, and Weiss would include an additional section in the "Declaration of Rights" as follows:

Section ... Civil Service Rights

Everyone shall have an equal opportunity to apply for civil service employment. Selection shall be based on merit without unreasonable qualifications of age and sex. Civil service employees, subject to dismissal for cause, have the right to a hearing.

Minority Report No. 6 by Delegates Weiss, Dunlap, and Stinson would include an additional section in the "Declaration of Rights" as follows:

Section ... Cultural Rights

People within the state having a distinct language or culture have the right to conserve the same.

Minority Report No. 7 by Delegate Stinson would delete from "Section 3. Right to Individual Dignity" of the "Declaration of Rights" the word "sex".

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 24—

Introduced by Delegate Abraham:

A RESOLUTION

Relative to explanation of Substantive Committee Proposals.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and read:

Delegate Stovall, chairman, on behalf of the Committee on Rules, Credentials and Ethics, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 6, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Rules, Credentials and Ethics to submit the following report:

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Reported with amendments.

COMMITTEE RESOLUTION No. 6—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page numbers on proposals to be introduced in this convention.

Reported favorably.

DELEGATE RESOLUTION No. 23—

Introduced by Delegates O'Neill, Thistlethwaite, and Corne:

A RESOLUTION

Amending Rule Nos. 3 and 36 of the Standing Rules of the Constitutional Convention to provide for greater independence of delegate voting.

Reported unfavorably.

Respectfully submitted,

JAMES L. STOVALL,
Chairman.

Suspension of the Rules

Delegate Stovall moved for a suspension of the rules in order to consider the adoption of the resolutions contained in the Committee Report.

Delegate Duval objected.

By a vote of 91 yeas and 23 nays the rules were suspended.

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

DELEGATE RESOLUTION No. 23—

Introduced by Delegates O'Neill, Thistlethwaite and Corne:

A RESOLUTION

Amending Rule Nos. 3 and 36 of the Standing Rules of the Constitutional Convention to provide for greater independence of delegate voting.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

Delegate Stagg moved that the resolution be withdrawn from the files of the Convention.

As a substitute Delegate De Blieux moved that the resolution be engrossed and passed to its third reading.

The vote recurred on the substitute motion.

By a vote of 35 yeas and 85 nays the Convention refused to order the resolution engrossed and passed to its third reading.

On motion of Delegate Stovall the resolution was withdrawn from the files of the Convention.

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Reported with the following amendments by the committees on Rules, Credentials and Ethics.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 4 by Delegate Stovall on behalf of the Committee on Rules, Credentials and Ethics.

Amend original Resolution as follows:

AMENDMENT No. 1—

On page 2, line 32, after the word "proposition;" and before the word "nor" insert the words "nor to any delegate;".

On motion of Delegate Stovall the resolution was returned to the Calendar subject to call.

COMMITTEE RESOLUTION No. 6—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page numbers on proposals to be introduced in this convention.

Read.

Reported favorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Stovall the resolution was adopted.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 3—

Introduced by Delegate Asseff:

A PROPOSAL

Relative to legislation increasing financial burdens of school boards.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 4—

Introduced by Delegates Asseff, Lennox and Womack:

A PROPOSAL

RELATIVE TO THE MANAGEMENT OF THE STATE HIGHWAY SYSTEM.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 5—

Introduced by Delegate Weiss:

A PROPOSAL

To provide a guarantee of the right to life and to provide exceptions thereto.

Read.

Lies over under the rules.

Delegate and Committee Resolutions

The following entitled Delegate and Committee Resolutions lying over were taken up and acted on as follows:

COMMITTEE RESOLUTION No. 3—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide expressly for submission of alternative proposals.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 20—

Introduced by Delegate Asseff:

A RESOLUTION

To require each substantive committee to report to the Convention any portion or portions of the constitution that have been omitted and to indicate clearly and specifically all changes that are being proposed.

Read.

Under the rules the above resolution was referred to the Committee on Style and Drafting.

DELEGATE RESOLUTION No. 21—

Introduced by Delegate Brown:

A RESOLUTION

To send best wishes to the members of the Constitutional Convention of Louisiana of 1921 still living and request their assistance and advice.

Read.

On motion of Delegate Brown, and under a suspension of the rules, the resolution was adopted.

DELEGATE RESOLUTION No. 22—

Introduced by Delegate O'Neill:

A RESOLUTION

To amend and readopt Paragraph B of Rule No. 62 of the Standing Rules of the Constitutional Convention, relative to the notice required for committee meetings.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 1—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Dele-

gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Providing for general governmental provisions.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

COMMITTEE PROPOSAL No. 2—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Legislative Power and Functions.

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read by title.

Under the rules the above proposal was referred to the Committee on Executive Department:

COMMITTEE PROPOSAL No. 5—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

COMMITTEE PROPOSAL No. 6—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, Tobias and Vesich:

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Judiciary.

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes,

Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 8—

Introduced by Delegate Perez, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Canon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making provisions for local and parochial government and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Local and Parochial Government.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state city civil service.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

Read.

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Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 13—

Introduced by Delegate Aertker Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for the settlement of disagreements through arbitration.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

COMMITTEE PROPOSAL No. 15—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Badeaux, Brown, Champagne, Chehardy, Conroy, De Blieux, Edwards, Fontenot, Lowe, McDaniel, Mauberret, Mire, Newton, Nunez, Planchard, Roemer, Schmitt, Slay, Smith, Triche and Winchester:

A PROPOSAL

Relative to the tax structure of the state and to public finance.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 1—

Introduced by Delegate Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

Read.

Under the rules the above proposal was referred to the Committee on Local and Parochial Government.

DELEGATE PROPOSAL No. 2—

Introduced by Delegate Asseff:

A PROPOSAL

To protect the sources of information of news reporters.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

Suspension of the Rules

On motion of Delegate Stovall the rules were suspended in order to take up Resolutions on Third Reading and Final Passage at this time.

Vice-Chairman Miller in the Chair

Resolutions on Third Reading and Final Passage

The following entitled resolutions and third reading and final passage were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Called for the Calendar

Reported with the following amendment by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 4 by Delegate Stovall on behalf of the Committee on Rules, Credentials and Ethics.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 2, line 32, after the word "proposition;" and before the word "nor" insert the words "nor to any delegate;"

On motion of Delegate Stovall the amendment was adopted.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Stagg, Stovall and A. Jackson to Committee Resolution No. 4 by Delegate Stovall.

Amend original resolution as follows,

AMENDMENT No. 1—

On page 2, line 26, after the number "2." delete the remainder of line 26 in its entirety and delete line 27 in its entirety and at the beginning of line 28, delete the following:

"ing of the booklet and identification badges."

AMENDMENT No. 2—

On page 3, delete lines 10 through 13, both inclusive, in their entirety

Delegate Stagg moved the adoption of the amendments.

Delegate Corne objected.

By a vote of 91 yeas and 21 nays the amendments were adopted.

Delegate Nunez sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Resolution No. 4 by Delegate Stovall.

Amend original Resolution as follows:

AMENDMENT No. 1—

On page 4, line 5, insert the following:

"G. All lobbyists currently registered with the clerk of the House of Representatives or the president of the Senate of the Louisiana Legislature for the year 1973, shall not be required to re-register with the clerk of the Constitutional Convention. Such lobbyists shall be required to pay any fees imposed upon lobbyists under the rule."

Delegate Nunez moved the adoption of the amendment.

Delegate Derbes objected.

By a vote of 45 yeas and 69 nays the amendment was rejected.

Recess

On motion of Delegate Womack the Convention recessed until 3:45 o'clock P.M.

After Recess

The convention was called to order at 3:45.

The roll being called the following delegates answered to their names.

PRESENT

Messrs.—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Planchard
Aertker	Giarrusso	Rayburn
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Anzalone	Hardee	Roy
Asseff	Hayes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singleton
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burson	Kean	Sonia
Casey	Kilbourne	Stephenson
Champagne	Lambert	Stinson
Chatelain	Landrum	Tate
Conino	Landry, A.	Taylor
Conroy	Landry, E. J.	Thistlewaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
De Blieux	Leigh	Toomy
Dennis	Leithman	Triche
Derbes	Lennox	Ullo
Deshotels	McDaniel	Velazquez
Dunlap	Martin	Vick
Duval	Mauberret	Warren
Edwards	Mire	Weiss
Elkins	Munson	Wisham
Fayard	Newton	Womack
Flory	O'Neill	Zervigon
Fontenot	Ourso	
Total—95.		

ABSENT

Messrs.—		
Armentor	Guarisco	Reeves
Arnette	Guidry	Roemer
Avant	Haynes	Segura
Brown	Juneau	Stagg
Burns	Kelly	Stovall
Cannon	Kilpatrick	Sutherland
Carmouche	LeBreton	Tapper
Chehardy	Lowe	Toca
D'Gerolamo	Miller	Vesich
Dennery	Nunez	Wall
Drew	Perkins	Willis
Gauthier	Rachal	Winchester
Ginn		
Total—37.		

And the chairman announced their were 94 members present and a quorum.

Resolutions on Third Reading and Final Passage, Continued

The following entitled resolutions on third reading and final passage were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singleton, Velazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Resolution No. 4 by Delegate Stovall.

Amend original Resolution as follows:

AMENDMENT No. 1—

On page 3, delete lines 31 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"F. Upon a majority vote, the Executive Committee shall deny to anyone, who violates the provisions of this rule, the privilege of addressing any committee of this convention for a period of time to be established by the Executive Committee."

Delegate Derbes moved the adoption of the amendment.

Delegate Jack objected.

By a vote of 31 yeas and 70 nays the amendment was rejected.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Resolution No. 4 by Delegate Stovall.

Amend original resolution as follows:

AMENDMENT No. 1—

On page 1, line 25, after the word "convention" insert a period "." and delete the remainder of the line, and delete line 26 in its entirety

Delegate Flory moved the adoption of the amendment.

Delegate Triche objected.

By a vote of 53 yeas and 52 nays the amendment was adopted.

Delegate Brown sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stovall.

Amend Original Proposal as follows:

AMENDMENT No. 1—

On page 3, line 32, after the word "convention" delete the remainder of the line and insert in lieu thereof the word "may"

AMENDMENT No. 2—

On page 3, line 34, after the word "meeting," and before the word "convention" insert the word "or"

AMENDMENT No. 3—

On page 3, line 35, after the word "session" and before the words "for not" delete the comma "," and delete the words "or delegate"

AMENDMENT No. 4—

On page 4, line 2, after the word "tor" and before the words "be denied" delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 5—

On page 4, line 2, after the word "meetings" delete the remainder of the line and at the beginning of line 3, delete the word "delegates" and insert in lieu thereof the following: "and sessions"

On motion of Delegate Brown the amendments were adopted.

Delegate Shannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Shannon to Committee Resolution No. 4 by Delegate Stovall.

Amend original resolution as follows,

AMENDMENT No. 1—

On page 2, line 5, immediately after the word "pay" delete the remainder of the line

AMENDMENT No. 2—

On page 2, line 6, at the beginning of the line before the words "for the" strike out the words "any consideration"

Delegate Shannon moved the adoption of the amendments.

Delegate Duval objected.

By a vote of 65 yeas and 34 nays the amendments were adopted.

Delegate Stovall moved the adoption of the resolution, as amended.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Messrs.—		
Alario	Gauthier	Sandoz
Asseff	Ginn	Singletary
Bel	Grier	Slay
Brown	Guarisco	Stagg
Burson	Heine	Stovall
Carmouche	Jack	Tate
Casey	Jackson, J.	Taylor
Champagne	Juneau	Thistleuwaite
Conino	Kean	Thompson
D'Gerolamo	Kelly	Tobias
Dennis	Lambert	Toca
Derbes	Leithman	Triche
Deshotels	McDaniel	Weiss
Dunlap	Miller	Willis
Elkins	Perkins	Zervigon
Payard	Reeves	
Fontenot	Roy	
Total—49.		

NAYS

Messrs.—		
Abraham	Gravel	Ourso
Aertker	Hardee	Perez
Alexander	Hayes	Planchard
Anzalone	Hernandez	Rayburn
Arnette	Jackson, A.	Riecke
Badeaux	Jenkins	Robinson
Bergeron	Kilbourne	Roemer
Blair	Kilpatrick	Shannon
Bollinger	Landrum	Silverberg
Brien	Landry, A.	Smith
Burns	Landry, E. J.	Soniat
Chatelain	Lanier	Stephenson
Conroy	LeBleu	Stinson
Corne	Leigh	Tapper
Cowen	Lennox	Toomy
De Blieux	Lowe	Ullio
Drew	Martin	Velazquez
Duval	Mauberret	Vesich
Edwards	Mire	Wall
Flory	Munson	Winchester
Fowler	Newton	Wisham
Fulco	Nunez	Womack
Giarrusso	O'Neill	
Total—68.		

ABSENT

Messrs.—		
Mr. Chairman	Dennerly	Schmitt
Armentor	Guidry	Segura
Avant	Haynes	Sutherland
Cannon	LeBreton	Vick
Chehardy	Rachal	Warren
Total—15.		

And the resolution was rejected.

Delegate Nunez moved to reconsider the vote by which the resolution was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate O'Neill, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 25—

Introduced by Delegate O'Neill:

A RESOLUTION

Relative to the time for convention meetings.

Read.

Delegate O'Neill moved for a suspension of the rules in order to consider the adoption of the resolution at this time.

Delegate Triche objected.

By a vote of 35 yeas and 78 nays the Convention refused to suspend the rules to consider the adoption of the resolution at this time.

Lies over under the rules.

Motion

On motion of Delegate Lambert, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 16—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack, LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Lies over under the rules.

PRIVILEGED REPORT OF THE SECRETARY RELATIVE TO ENROLLMENT

Delegate Dennerly, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

July 6, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention has been properly enrolled in final form:

COMMITTEE RESOLUTION No. 6—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez, and Warren:

A RESOLUTION

Amending Rule No. 41 of the Standing Rules of the Constitutional Convention, to change the placement of page numbers on proposals to be introduced in this convention.

Be it resolved that Rule No. 41 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 41. Form of Proposals. Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8-1/2-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the bottom center of the page. The original of all proposals shall remain in the custody of the convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form,

Constitutional Convention of Louisiana of 1973

----- PROPOSAL -----

(Committee or Delegate)

(Number)

Introduced by -----

(Name of Delegate or Committee Chairman)

Respectfully submitted,

Chief Clerk

In the absence of the secretary, by DAVID R. POYNTER,

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

July 6, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolution having been finally adopted by the Convention has been properly enrolled in final form:

DELEGATE RESOLUTION No. 21—

Introduced by Delegate James H. Brown, Jr.

A RESOLUTION

To send best wishes to the members of the Constitutional Convention of Louisiana of 1921 still living and request their assistance and advice.

WHEREAS, we as delegates selected by the people or appointed by the governor are convened in a Constitutional Convention to rewrite the basic law of the State of Louisiana; and

WHEREAS, we are grateful to Almighty God for his blessings during the fifty-two years since the Constitutional Convention of Louisiana of 1921; and

WHEREAS, we are indebted to the members of the Constitutional Convention of Louisiana of 1921.

THEREFORE, BE IT RESOLVED that the Constitutional

Convention of Louisiana of 1973 sends its best wishes to those members of the Constitutional Convention of Louisiana of 1921 still living:

Richard A. Dowling of New Orleans

Sam H. Jones of Lake Charles

J.O. Fernandez of New Orleans

Judge Rene A. Viosca of New Orleans

John H. Meaux of Creole

John Dale, Jr. of Vidalia

BE IT FURTHER RESOLVED that the Constitutional Convention of Louisiana of 1973 calls upon Delegate Dowling, Delegate Jones, Delegate Fernandez, Delegate Viosca, Delegate Meaux, and Delegate Dale to lend any assistance and advice to the work of this convention that might be appropriate.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to each delegate of the Constitutional Convention of 1921 honored herein.

Chief Clerk

In the absence of the secretary, by DAVID R. POYNTER

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

COMMITTEE NOTICES

Delegate Zervigon, Vice-Chairman of the Committee on Legislative Liason and Transitional Measures., in the absence of Chairman LeBreton, sent up the following notice:

The Committee on Legislative Liason and Transitional Measures will meet on Wednesday, July 11, at 10:00 o'clock A.M. in Committee Room No. 9 of the State Capitol and will consider the following agenda:

AGENDA

1) Report of the Sub-committee on Alternative Methods of Transportation.

2) Such other matters as may properly be considered by the committee.

Respectfully submitted,

MARY ZERVIGON

Vice-Chairman of the Committee
on Legislative Liason and
Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Wednesday, April 11, 1973, at 9:30 o'clock in Baton Rouge - State Capitol, Committee Room 205 and will consider the following agenda:

AGENDA

To consider the committee proposals referred to the Committee on the Executive Department of the Constitutional Convention at its session of July 6, 1973.

Respectfully submitted,

MR. TOM STAGG,

Chairman of the Committee on Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate Blair, chairman of the Committee on Legislative Powers and Functions, sent up the following notice:

The Committee on Legislative Powers and Functions will meet on Tuesday and Wednesday, July 10, 11, at 10:00 o'clock in Committee Room 3 and will consider the following agenda:

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AGENDA

To consider the Committee Proposal referred to the Committee.

Respectfully submitted,

MR. BLAIR

Chairman of the Committee on Legislative Powers
and Functions

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Wednesday, July 11, 10:00 o'clock in Committee Rm. 5 and will consider the following agenda:

AGENDA

To consider the committee proposal referred to the Committee.

Respectfully submitted,

B. B. RAYBURN,

Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Munson moved that the Convention do now adjourn until Wednesday, July 11, 1973 at 12:00 o'clock noon.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, July 11, 1973 at 12:00 o'clock noon.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

TWELFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Wednesday, July 11, 1973, Baton Rouge, La.

The Convention was called to order at 12:00 o'clock noon,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Messrs.—		
Mr. Chairman	Gauthier	Perkins
Abraham	Giarrusso	Planchard
Aertker	Ginn	Rachal
Alario	Gravel	Rayburn
Alexander	Grier	Reeves
Anzalone	Guarisco	Riecke
Armentor	Hardee	Robinson
Arnette	Hayes	Roemer
Asseff	Haynes	Roy
Badeaux	Heine	Sandoz
Bel	Hernandez	Schmitt
Bergeron	Jack	Segura
Blair	Jackson, A.	Shannon
Bollinger	Jenkins	Silverberg
Brien	Juneau	Singletary
Brown	Kean	Slay
Burns	Kelly	Smith
Burson	Kilbourne	Soniat
Carmouche	Kilpatrick	Stagg
Casey	Lambert	Stephenson
Champagne	Landrum	Stinson
Chatelain	Landry, A.	Stovall
Chehardy	Landry, E. J.	Sutherland
Conino	Lanier	Tapper
Conroy	LeBleu	Tate
Corne	LeBreton	Taylor
Cowen	Leigh	Thistlethwaite
De Blieux	Leithman	Thompson
D'Gerolamo	Lennox	Tobias
Dennery	Lowe	Toca
Deshotels	McDaniel	Toomy
Drew	Martin	Velazquez
Dunlap	Mauberet	Vick
Duval	Miller	Wall
Edwards	Mire	Warren
Elkins	Munson	Weiss
Fayard	Newton	Willis
Flory	Nunez	Winchester
Fontenot	O'Neill	Wisham
Fowler	Ourso	Womack
Fulco	Perez	Zervigon
Total—123.		

ABSENT

Messrs.—		
Avant	Derbes	Triche
Cannon	Gudry	Ullo
Dennis	Jackson, J.	Vesich
Total—9.		

The Chairman announced that there were 123 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux

Pledge of Allegiance

Delegate Giarrusso led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Leithman, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Leithman, the Journal of yester-
day was adopted.

Morning Hour

**Introduction of Proposals
Delegate and Committee Resolutions**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials and Ethics, and Dele-
gates Arnette, Bel, Bollinger, Corne Elkins, McDaniel, Mire,
Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Consti-
tutional Convention to clarify the requirement that each
committee proposal shall bear the signature of a majority
of the members of the committee.

Read.

On motion of Delegate Stovall the rules were suspended
in order to consider the resolution.

On motion of Delegate Stovall the resolution was referred
to the Committee on Rules, Credentials and Ethics.

Reports of Committees

The following reports of committees were received and
read:

Delegate Stagg, chairman, on behalf of the Committee on
the Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 11, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on the Executive Depart-
ment to submit the following report:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the
filling of vacancies in certain public offices and with
respect to dual office-holding, a code of ethics, and im-
peachment.

Reported with amendments.

Respectfully submitted,

TOM STAGG,
Chairman.

Motion

Delegate Stagg moved for a suspension of the rules in
order to consider the proposal contained in the report.

Delegate Zervigon objected.

By a vote of 79 yeas and 19 nays the rules were sus-
pended.

Delegate and Committee Proposals Reported by Committees

The following delegates and committee proposals reported by committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Reported with the following amendments by the Committee on Executive Department.

COMMITTEE AMENDMENTS

Amendments proposed by the Committee on Executive Department to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 11 after the word "EXECUTIVE" delete the word "DEPARTMENT" and insert in lieu thereof the word "BRANCH"

AMENDMENT No. 2—

On page 1, line 13 after the word "of" delete the word "a" and insert in lieu thereof the word "the"

AMENDMENT No. 3—

On page 1, line 19 after the word "powers," and before the word "duties" delete the word "and"

AMENDMENT No. 4—

On page 1, line 19 after the word "duties" and before the word "and" insert a ","

AMENDMENT No. 5—

On page 1, line 21 after the word "allocated" and before the word "according" insert a ","

AMENDMENT No. 6—

On page 2, line 5 before the word "for" delete the word "statewide"

AMENDMENT No. 7—

On page 2, line 11 after the word "and" and before the word "promulgated" delete the word "be"

AMENDMENT No. 8—

On page 2, line 12 after the word "as" and before the word "be" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 9—

On page 2, line 15 after the word "equal" and before the word "and" delete the word ";

AMENDMENT No. 10—

On page 2, line 17 after the word "the" and before the word "delete the word "result" and insert in lieu thereof the word "winner"

AMENDMENT No. 11—

On page 2 line 20 after the word "." delete the remainder of the line

AMENDMENT No. 12—

On page 2 line 21 delete the line in its entirety

AMENDMENT No. 13—

On page 3 line 10 after the word "shall" and before the word "at" insert a ","

AMENDMENT No. 14—

On page 3 delete lines 15 through 19 in their entirety and insert in lieu thereof

"(c) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relating to such department, excepting matters relating to investigations of the governor's office."

AMENDMENT No. 15—

On page 3 line 27 after the word "exceed" and before the word "annual" insert the word "anticipated"

AMENDMENT No. 16—

On page 3 line 27 after the word "as" and before the word "by" delete the word "anticipated" and insert in lieu thereof the word "projected"

AMENDMENT No. 17—

On page 4 line 15 after the word "he" and before the word "delete the word "approved" and insert in lieu thereof the word "approves"

AMENDMENT No. 18—

On page 4 line 19 after the word "time" and before "pro-" delete the word "otherwise"

AMENDMENT No. 19—

On page 5 line 7 after the word "confirm" insert a "," and delete the remainder of the line.

AMENDMENT No. 20—

On page 5 line 8 at the beginning of the line delete the word "ment"

AMENDMENT No. 21—

On page 5 line 8 after the word "session" and before the word "shall" insert a ","

AMENDMENT No. 22—

On page 5 line 8 after the word "shall" delete the remainder of the line and insert in lieu thereof "constitute rejection of the appointment."

AMENDMENT No. 23—

On page 5 line 9 delete the line in its entirety

AMENDMENT No. 24—

On page 5 line 11 after the word "appointments" and before the word "which" insert a ":"

AMENDMENT No. 25—

On page 6 line 8 at the end of the line delete the word "extra-" and insert in lieu thereof the word "extra."

On motion of Delegate Stagg the proposal was recommended to the Committee on Executive Department.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 6—

Introduced by Delegate Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Lies over under the rules.

Delegate and Committee Resolutions

The following entitled Delegate and Committee Resolutions lying over were taken up and acted on as follows:

DELEGATE RESOLUTION No. 24—

Introduced by Delegate Abraham:

A RESOLUTION

Relative to explanation of Substantive Committee Proposals.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 25—

Introduced by Delegate O'Neill:

A RESOLUTION

Relative to the time for convention meetings.

Read.

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Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 16—

Introduced by Delegate Lambert, Chairman, on behalf of the Committee on Natural Resources and Environment, and Delegates Bollinger, Derbes, Elkins, Guidry, Hardee, Jack LeBleu, Leigh, Miller, Munson, Perkins, Singletary, Thompson, Velazquez, Warren and Womack:

A PROPOSAL

Making provisions relating to natural resources and environment.

Read.

Under the rules the above proposal was referred to the Committee on Natural Resources and Environment.

DELEGATE PROPOSAL No. 3—

Introduced by Delegate Asseff:

A PROPOSAL

Relative to legislation increasing financial burdens of school boards.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 4—

Introduced by Delegates Asseff, Lennox and Womack:

A PROPOSAL

RELATIVE TO THE MANAGEMENT OF THE STATE HIGHWAY SYSTEM.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 5—

Introduced by Delegate Weiss:

A PROPOSAL

To provide a guarantee of the right to life and to provide exceptions thereto.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

Motion

Delegate Stovall moved that no unofficial publications, zerox copies or other printed matter be copied or placed on the convention delegates desks until further action or recommendation by the Committee on Rules, Credentials and Ethics.

Delegate Landrum objected.

By a vote of 105 yeas and 15 nays the motion was adopted.

Motion

On motion of Delegate Aertker the rules were suspended in order to call a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

Motion

On motion of Delegate Staggs the rules were suspended in order to call a meeting of the Committee on Executive Department without giving the required 24 hour notice.

Motion

On motion of Delegate Lambert the rules were suspended

in order to call a meeting of the Committee on Natural Resources and Environment without giving the required 24 hour notice.

Motion

On motion of Delegate A. Jackson, Jr. the rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required 24 hour notice.

Motion

On motion of Delegate Rayburn the rules were suspended in order to call a meeting of the Committee on Revenue, Finance and Taxation without giving the required 24 hour notice.

Motion

On motion of Delegate Stovall the rules were suspended in order to call a meeting of the Committee on Rules, Credentials and Ethics without giving the required 24 hour notice.

Motion

On motion of Delegate Perez the rules were suspended in order to call a meeting of the Committee on Local and Parochial Government without giving the required 24 hour notice.

COMMITTEE NOTICE

Delegate A. Landry on behalf, of Delegate Dennis, chairman of the Committee on the Judiciary, sent up the following notice:

The Committee on Judiciary will meet on Wed., 7/18, Thurs. 7-19, Fri., 7/20, Sat., 7/21, at 9 a.m. o'clock in Committee Room 1, Capitol and will consider the following agenda:

AGENDA

Public hearing on Committee Proposal No. 6 and any other business which may come before the committee.

Respectfully submitted,

DELEGATE A. LANDRY

Vice Chairman of the
Committee on Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, July 12, 1973, at 10:00 o'clock in Instructional EBR Ph. Sch. Bd. Office, 1050 South Foster and will consider the following agenda:

AGENDA

Consider proposals referred to the Committee.

Respectfully submitted,

DELEGATE ROBERT AERTKER

Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Alphonse Jackson, Jr., chairman of the Committee on Bill of Rights and Election, sent up the following notice:

The Committee on Bill of Rights and Election will meet on Thurs. & Fri. July 12 & 13, at 10:00 A.M. o'clock in

PAGE 4

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Committee Room No. 1 and will consider the following agenda:

AGENDA

Draft Proposal on Election Procedure.

Respectfully submitted,

DELEGATE ALPHONSE JACKSON, JR.
Chairman of the Committee on
Bill of Rights and Election

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Louis Lambert, chairman of the Committee on Natural Resources & Environment, sent up the following notice:

The Committee on Natural Resources & Environment will meet on Thur. & Fri., July 12 & 13, at 9:00 A.M. o'clock in Senate Lounge and will consider the following agenda:

AGENDA

To consider the proposals referred to the Committee.

Respectfully submitted,

DELEGATE LOUIS LAMBERT
Chairman of the Committee on
Natural Resources & Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate James L. Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Thursday, July 12, after adjournment in Committee Rm. 1 and will consider the following agenda:

AGENDA

CR 3, 5, 7, DR 22

Respectfully submitted,

DELEGATE JAMES L. STOVALL
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate B. B. Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday, July 12, 1973, at 9:00 o'clock in Com. Rm. 5, State Capitol and will consider the following agenda:

AGENDA

Continuation of consideration of property taxes.

Respectfully submitted,

DELEGATE B. B. RAYBURN
Chairman of the Committee on
Revenue, Finance & Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, July 12, at 10:00 a.m. o'clock in Committee Rm. 9 and will consider the following agenda:

AGENDA

Proposals referred to the Committee.

Respectfully submitted,

DELEGATE C. O. PEREZ
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Tom Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Thursday, July 12, 1973, at 9 a.m. o'clock in Comm. Room 205, Capitol and will consider the following agenda:

AGENDA

To continue consideration of Proposals referred to Committee.

Respectfully submitted,

DELEGATE TOM STAGG
Chairman of the Committee on
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Cannon—Indefinite.
Delegate J. Jackson 1—Day.
Delegate Dennis 3—Days.

Adjournment

Delegate Rayburn moved that the Convention do now adjourn until Thursday, July 12, 1973 at 4:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, July 12, 1973 at 4:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

**THIRTEENTH DAY'S PROCEEDINGS
of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature**

Thursday, July 12, 1973, Baton Rouge, La.

The Convention was called to order at four o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Messrs.—		
Mr. Chairman	Giarrusso	Rachal
Abraham	Ginn	Rayburn
Alario	Gravel	Reeves
Alexander	Grier	Riecke
Anzalone	Guarisco	Robinson
Armentor	Hardee	Roemer
Arnette	Hayes	Roy
Asseff	Haynes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Segura
Bergeron	Jack	Shannon
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Taylor
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Thompson
De Blieux	LeBreton	Tobias
D'Gerolamo	Leithman	Toca
Dennery	Lennox	Toomy
Derbes	Lowe	Triche
Deshotels	McDaniel	Ullo
Drew	Martin	Velazquez
Dunlap	Mauberret	Vesich
Duval	Miller	Vick
Edwards	Mire	Wall
Elkins	Munson	Warren
Fayard	Newton	Weiss
Flory	Nunez	Willis
Fontenot	O'Neill	Winchester
Fowler	Perez	Wisham
Fulco	Perkins	Womack
Gauthier	Planchard	Zervigon
Total—122.		

ABSENT

Messrs.—		
Aertker	Cannon	Leigh
Avant	Dennis	Ourso
Brown	Guidry	Silverberg
Total—10.		

The Chairman announced that there were 122 members present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Bergeron led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Weiss, the reading of the Journal was dispensed with.

On motion of Delegate Weiss, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and read:

Delegate Cecil R. Blair, chairman, on behalf of the Committee on Legislative Powers and Functions, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 12, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Legislative Powers and Functions to submit the following report:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Reported with amendments.

Respectfully submitted,

CECIL R. BLAIR,
Chairman.

Suspension of the Rules

On motion of Delegate Blair the rules were suspended in order to take up the proposal contained in the report at this time.

**Delegate and Committee Proposals
on Second Reading Reported by Committees**

The following entitled proposals on second reading reported by committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Reported with the following amendments by the Committee on Legislative Powers and Functions.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Legislative Powers and Functions to Committee Proposal No. 3 by Delegate Blair, et al.

Amend printed proposal as follows:

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AMENDMENT No. 1—

On page 1, delete lines 21 through 28 in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year to not to exceed five calendar days. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in any year beyond sixty calendar days following the second Monday in May. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings, but shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year."

AMENDMENT No. 2—

On page 1, at the end of line 28, add the following:
"A legislative day is a calendar day on which either house of the legislature is in session."

AMENDMENT No. 3—

On page 1, line 30, immediately after the words and punctuation "Governor or," strike out the word "at" and insert in lieu thereof "shall be convened upon"

AMENDMENT No. 4—

On page 2, line 1, immediately after the word "proclamation" and before the word "convening" insert the following:
"at least five days prior to"

AMENDMENT No. 5—

On page 2, line 17, place a semicolon ";" immediately after the word "Vacancies" and add the word "Salary"

AMENDMENT No. 6—

On page 2, at the end of line 18, strike out "his election" and at the beginning of line 19, strike out "tion has" and insert in lieu thereof the following:
"the general election shall have"

AMENDMENT No. 7—

On page 2, line 21, after the words "time of" strike out "his election has" and insert in lieu thereof the following:
"the general election shall have"

AMENDMENT No. 8—

On page 2, line 24, immediately after the words "the time of" strike out the words "his election he has" and insert in lieu thereof the following:
"the general election he shall have"

AMENDMENT No. 9—

On page 2, strike out lines 27 through 29, both inclusive, in their entirety and insert in lieu thereof the following:
"immediately preceding the general election. However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in"

AMENDMENT No. 10—

On page 3, between lines 9 and 10, insert the following:
"(E) The members of the legislature shall be compensated by an annual salary which shall be fixed by a majority vote of the elected members of each house of the legislature. The amount fixed may be changed only by two-thirds of the elected members of each house of the legislature, to be effective at a term other than that for the members presently serving."

AMENDMENT No. 11—

On page 4 at the end of line 14, add the following:
"The clerical officers of the two houses shall be the clerk

of the House of Representatives and the secretary of the Senate, each of whom shall have the power to administer oaths."

AMENDMENT No. 12—

On page 5, line 5, immediately after "is a" delete the words "written, printed, or oral"

AMENDMENT No. 13—

On page 5, line 6, change the period "." after the word "nays" to a comma ",", and add the following:
"with said yeas and nays being published in the journal."

AMENDMENT No. 14—

On page 5, delete lines 22, 23 and 24 in their entirety and insert in lieu thereof the following:

"Section 11. Except as otherwise provided in this constitution, salaries of public officials may be changed only by two-thirds vote of the elected members of each house of the legislature: provided that the salaries of public officers shall not be reduced during the term for which they are elected or appointed."

AMENDMENT No. 15—

On page 6, line 16, after the words "continuity of" and before the word "government" add the word "state"

AMENDMENT No. 16—

On page 6, at the end of line 29, strike out the word "and" and strike out line 30 in its entirety and insert in lieu thereof the following:

"except by a bill, and shall propose no amendment to the constitution except by a joint resolution, which shall be processed as a bill."

AMENDMENT No. 17—

On page 7, delete lines 7 and 8 and insert in lieu thereof the following:

"(C) No bill shall be amended in its passage through either house so as to make a change not germane to the bill as originally introduced."

AMENDMENT No. 18

On page 8 line 23, place a comma ",", immediately after the word "bill" and insert "except a joint resolution,"

AMENDMENT No. 19—

On page 9, delete lines 4 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the thirty-fifth day following the sine die adjournment of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor, except that if such day falls on a Sunday the session shall convene at noon on the next succeeding Monday. No veto session shall exceed five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a simple majority of the elected members of either or both houses indicate in writing that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective houses at least two days prior to the day on which the veto session is to convene."

AMENDMENT No. 20—

On page 10, delete lines 3 and 4, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) All impeachments shall be by the House of Representatives and shall require the favorable vote of at least a majority of the elected members thereof. Impeachments shall be tried by the Senate. Two-thirds"

AMENDMENT No. 21—

On page 10, at the beginning of line 12, strike out the word "proceedings"

AMENDMENT No. 22—

On page 10, delete lines 13 and 14, both inclusive, in their entirety and insert in lieu thereof the following:

"acting governor, and the appointing authority shall make an interim appointment until decision of impeachment."

AMENDMENT No. 23—

On page 10, between lines 14 and 15, add the following new section:

"Section 25. Removal on Address by Legislature
Section 25. For any reasonable cause, whether or not suffi-

PAGE 3

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cient for impeachment, upon the address of two-thirds of the members elected to each house of the legislature and after a public hearing by the committee of the whole in each house, any officer except the governor or acting governor may be removed from office. Any officer so removed shall be ineligible to succeed himself. The cause or causes for which such removal is made shall be stated at length in the address."

AMENDMENT No. 24—

On page 10, at the beginning of line 15, change "Section 25." to "Section 26."

AMENDMENT No. 25—

On page 10, delete line 17 in its entirety and insert in lieu thereof the following:

"Section 26. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall by general law provide for the removal"

AMENDMENT No. 26—

On page 10, at the beginning of line 21, change "Section 26." to "Section 27."

AMENDMENT No. 27—

On page 10, at the beginning of line 22, change "Section 26." to "Section 27."

AMENDMENT No. 28—

On page 10, line 22, after the word "provide" and before the word "for" add the words "by general law"

On motion of Delegate Blair the amendments were adopted and ordered engrossed.

On motion of Delegate Blair, and under a suspension of the rules, the proposal, as amended, was ordered reengrossed and passed to its third reading.

Reports of Committees, Continued

The following reports of committees were received and read:

Delegate Stagg, chairman, on behalf of the Committee on the Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 12, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on the Executive Department to submit the following report:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding a code of ethics, and impeachment.

Reported with amendments.

Respectfully submitted,

TOM STAGG,
Chairman.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Pro-

posals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 7—

Introduced by Delegate Burns:

A PROPOSAL

Making provisions for gambling, futures of agricultural products, and lotteries and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 9—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 10—

Introduced by Delegate Juneau:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 6—

Introduced by Delegate Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

Motion

On motion of Delegate Duval the Order of Business was altered to take up Introduction of Resolutions at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 11—

Introduced by Delegate Duval:

A PROPOSAL

For prohibition against dual officeholding.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources and Environment, sent up the following notice:

The Committee on Natural Resources and Environment will meet on Wednesday, July 18, 1973, at 9:00 o'clock in

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the Senate Lounge, State Capitol and will consider the following agenda:

AGENDA

Referred Committee Proposals.

Respectfully submitted,

LOUIS LAMBERT,
Chairman of the Committee on
Natural Resources and Environment

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Rayburn moved that the Convention do now adjourn until Friday, July 13, 1973 at 9:30 A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, July 13, 1973 at 9:30 A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FOURTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, July 13, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Rachal
Abraham	Giarrusso	Rayburn
Aertker	Ginn	Reeves
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Anzalone	Guarisco	Roemer
Armentor	Hardee	Roy
Arnette	Hayes	Sandoz
Asseff	Haynes	Schmitt
Badeaux	Heine	Segura
Bel	Hernandez	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brown	Jenkins	Smith
Brien	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Taylor
Conroy	LeBleu	Thistlethwaite
Corne	Leigh	Thompson
Cowen	Leithman	Tobias
D'Gerolamo	Lennox	Toca
De Blieux	Lowe	Toomy
Dennergy	McDaniel	Triche
Derbes	Martin	Ullo
Deshotels	Mauberret	Velazquez
Drew	Miller	Vesich
Dunlap	Mire	Vick
Duval	Munson	Wall
Edwards	Newton	Warren
Elkins	Nunez	Weiss
Fayard	O'Neill	Willis
Flory	Ourso	Winchester
Fontenot	Perez	Wisham
Fowler	Perkins	Womack
Fulco	Planchard	Zervigon
Total—125.		

ABSENT

Delegates—		
Avant	Dennis	Lanier
Cannon	Guidry	LeBreton
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate Kilpatrick.

Pledge of Allegiance

Delegate Giarrusso led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate A. Landry, the reading of the
Journal was dispensed with.

On motion of Delegate A. Landry, the Journal of yesterday
was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Convention**

The following named Delegates and committees introduced
the following entitled Delegate and Committee Resolutions
which were read by their titles and placed on the Calendar
for their second reading.

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, Casey and Kelly:
A RESOLUTION

Relative to amending the Standing Rules of the Constitu-
tional Convention to provide for regulation of lobbying
before the Constitutional Convention.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and
read:

Delegate Stovall, chairman, on behalf of the Committee on
Rules, Credentials, and Ethics, submitted the following re-
port:

State of Louisiana
Constitutional Convention
of 1973

July 13, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Rules, Credentials,
and Ethics to submit the following report:

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the
Committee on Rules, Credentials and Ethics, and Delegates
Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Sin-
gletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Con-
stitutional Convention to clarify the requirement with
respect to the readings on three different days.

Reported with amendments.

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials, and Ethics, and Dele-
gates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire,
Singletary, Valazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitu-
tional Convention to provide for submission of minority
proposals.

Reported with amendments.

DELEGATE RESOLUTION No. 22—

Introduced by Delegate O'Neill:

A RESOLUTION

To amend and readopt Paragraph B of Rule No. 62 of the

PAGE 2

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Standing Rules of the Constitutional Convention relative to the notice required for committee meetings.

Reported unfavorably.

DELEGATE RESOLUTION No. 24—

Introduced by Delegate Abraham:

A RESOLUTION

Relative to explanation of Substantive Committee Proposals.

Reported unfavorably.

Respectfully submitted,

JAMES T. STOVALL,
Chairman.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 7—

Introduced by Delegate Burns:

A PROPOSAL

Making provisions for gambling, futures of agricultural products, and lotteries and necessary provisions with respect thereto.

Read.

Under the rules the Chair ruled that the proposal should be referred to the Committee on Revenue, Finance and Taxation.

Delegate Stovall objected and moved that the proposal be referred to the Committee on Education and Welfare.

As a substitute Delegate Rayburn moved that the proposal be referred to the Committee on Legislative Powers and Functions.

The vote recurred on the substitute motion.

By a vote of 71 yeas and 48 nays the proposal was referred to the Committee in Legislative Powers and Functions.

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 9—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 10—

Introduced by Delegate Juneau:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 11—

Introduced by Delegate Duval:

A PROPOSAL

For prohibition against dual officeholding.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled proposals on second reading reported by committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Reported with the following amendments by the Committee on Executive Department.

COMMITTEE AMENDMENT

Amendment proposed by Committee on the Executive Department to Committee Proposal No. 4 by Delegate Stagg, et al on behalf of the Committee on the Executive Department.

Amend original proposal as follows:

AMENDMENT No. 1—

On page 11, line 26 after the word "shall" and before the word "prevent" delete the words "be construed to"

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Executive Department to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 2, delete the word "Introduced" and insert in lieu thereof the word "Introduced"

AMENDMENT No. 2—

On page 1, line 3, after the word "Department" delete the colon ":" and add the following:
", and Delegates Abraham, Alexander, Arnette, Brien, Denery, Duval, Gravel, Stovall, and Tapper:"

AMENDMENT No. 3—

On page 1, line 11, after the word "EXECUTIVE" delete the word "DEPARTMENT" and insert in lieu thereof the word "BRANCH"

AMENDMENT No. 4—

On page 1, line 13, after the word "of" delete the word "a" and insert in lieu thereof the word "the"

AMENDMENT No. 5—

On page 1, line 19, after the word "powers," and before the word "duties" delete the word "and"

AMENDMENT No. 6—

On page 1, line 19, after the word "duties" and before the word "and" insert a comma ","

AMENDMENT No. 7—

On page 1, line 21, after the word "allocated" and before the word "according" insert a comma ","

AMENDMENT No. 8—

On page 2, line 5, before the word "for" delete the word "statewide"

AMENDMENT No. 9—

On page 2, line 11, after the word "and" and before the word "promulgated" delete the word "be"

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AMENDMENT No. 10—

On page 2, line 12, after the word "as" and before the word "be" delete the word "may" and insert in lieu thereof the word "shall"

AMENDMENT No. 11—

On page 2, line 15, after the word "equal" and before the word "and" delete the comma ","

AMENDMENT No. 12—

On page 2, line 17, after the word "the" and before the period "." delete the word "result" and insert in lieu thereof the word "winner"

AMENDMENT No. 13—

On page 2, line 20, after the period "." delete the remainder of the line

AMENDMENT No. 14—

On page 2, line 21, delete the line in its entirety

AMENDMENT No. 15—

On page 3, line 10, after the word "shall" and before the word "at" insert a comma ","

AMENDMENT No. 16—

On page 3, delete lines 15 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relating to such department, excepting matters relating to investigations of the governor's office."

AMENDMENT No. 17—

On page 3, line 27, after the word "exceed" and before the word "annual" insert the word "anticipated"

AMENDMENT No. 18—

On page 3, line 27, after the word "as" and before the word "by" delete the word "anticipated" and insert in lieu thereof the word "projected"

AMENDMENT No. 19—

On page 4, line 15, after the word "he" and before the comma "," delete the word "approved" and insert in lieu thereof the word "approves"

AMENDMENT No. 20—

On page 4, line 19, after the word "time" and before "pro-" delete the word "otherwise"

AMENDMENT No. 21—

On page 5, line 7, after the word "confirm" insert a comma "," and delete the remainder of the line

AMENDMENT No. 22—

On page 5, at the beginning of line 8, delete the word "ment"

AMENDMENT No. 23—

On page 5, line 8, after the word "session" and before the word "shall" insert a comma ","

AMENDMENT No. 24—

On page 5, line 8, after the word "shall" delete the remainder of the line and insert in lieu thereof "constitute rejection of the appointment."

AMENDMENT No. 25—

On page 5, line 9, delete the line in its entirety

AMENDMENT No. 26—

On page 5, line 11, after the word "appointments" and before the word "which" insert a comma ","

AMENDMENT No. 27—

On page 6, line 8, at the end of the line delete the word "estra-" and insert in lieu thereof the word "extra-"

AMENDMENT No. 28—

On page 6, line 14, after the word "member" and before the word "committee" delete the words "on every" and insert in lieu thereof the words "of each"

AMENDMENT No. 29—

On page 6, at the end of line 23, add a semicolon ";" and delete line 24 in its entirety and on line 25 delete the following:

"or as may be provided by statute;"

AMENDMENT No. 30—

On page 6, line 29, after the word "archives" and before the word "of" delete the words "and records"

AMENDMENT No. 31—

On page 6, line 31, immediately after "legislature;" add the word "and" and on line 32, after the word "same" change the semicolon ";" to a period "." and immediately before the word "administer" add the words "He may"

AMENDMENT No. 32—

On page 7, line 1, after the word "oaths" change the period "." to a comma "," and immediately before the word "shall" delete the word "He" and insert in lieu thereof the word "and"

AMENDMENT No. 33—

On page 7, line 30, immediately after the word "shall" and before the word "appoint" delete the word "each"

AMENDMENT No. 34—

On page 8, line 12, after "(6) the " and before the words "of the House" delete the word "speaker" and insert in lieu thereof the words "presiding officer"

AMENDMENT No. 35—

On page 8, line 22, after the word "Statewide" and before the word "Offices" delete the word "Eelective" and insert in lieu thereof the word "Elective"

AMENDMENT No. 36—

On page 8, line 29, after "Section 14. (A)" and before the words "no other" delete the word "Where" and insert in lieu thereof the word "Should" and at the end of the line delete the word "is" and insert in lieu thereof the word "be"

AMENDMENT No. 37—

On page 8, at the beginning of line 31, delete the word "charger" and insert in lieu thereof the word "charter"

AMENDMENT No. 38—

On page 9, at the end of line 15, delete the word "Disability" and insert in lieu thereof the word "Inability"

AMENDMENT No. 39—

On page 9, at the end of line 17, delete the word "speaker" and insert in lieu thereof the words "presiding officer"

AMENDMENT No. 40—

On page 10, line 24, immediately after the word "court" and before the word "under" add a comma ","

AMENDMENT No. 41—

On page 11, delete lines 7 through 32, both inclusive, in their entirety and on page 12, delete line 1 in its entirety

AMENDMENT No. 42—

On page 12, between lines 1 and 2, insert the following:

"Section 19. Reorganization

Section 19. The governor may propose to the legislature, on or before the first day of any session, a plan of reallocation of the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments. The legislature, by a majority vote of the elected members of each house, may disapprove such plan, but may not substantively amend it."

AMENDMENT No. 43—

On page 12, line 2, after the word "Section" delete the numeral "21" and insert in lieu thereof the numeral "20"

AMENDMENT No. 44—

On page 12, line 3 after the word "Section" delete the numeral "21" and insert in lieu thereof the numeral "20"

AMENDMENT No. 46—

On page 12, delete lines 18 through 32, both inclusive, in their entirety

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AMENDMENT No. 47—

On page 13, delete lines 1 through 8, both inclusive, in their entirety

On motion of Delegate Stagg the amendments by the Committee on Executive Department were adopted.

On motion of Mr. Stagg the proposal was ordered engrossed.

Under the rules, referred to the Committee on Style and Drafting.

Proposals on Third Reading and Final Passage

The following entitled proposal was taken up on its third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 1. Legislative Power of State; Vesting; Continuous Body

Section 1. (A) The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives.

(B) The legislature shall be a continuous body during the term for which its members are elected.

Read.

Delegate Conroy sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Landrum, Newton, Schmitt, Zervigon, Taylor, Valazquez, J. Jackson, A. Jackson and Rachal to Committee Proposal No. 3 by Delegates Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 16, after the word "Senate" delete the remainder of the line and delete line 17 in its entirety and insert in lieu thereof the following:

"composed of one senator elected from each senatorial district and a House of Representatives composed of one representative elected from each representative district."

Delegate Conroy moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Aertker
Alario
Alexander
Anzalone
Badeaux
Bel
Bergeron
Bollinger
Brien
Brown

Burns
Burson
Carmouche
Champagne
Chatelain
Chehardy
Conino
Conroy
Cowen
D'Gerolamo
Dennery
Derbes

Drew
Elkins
Fontenot
Fulco
Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Hayes

Haynes
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Kean
Kelly
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Leigh
Lennox
Lowe
McDaniel
Martin
Mauburret
Total—93.

Miller
Mire
Newton
O'Neill
Perez
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Roemer
Roy
Sandoz
Schmitt
Shannon
Silverberg
Singletary
Smith

Soniat
Stagg
Stovall
Sutherland
Tapper
Tate
Taylor
Thistlethwaite
Thompson
Tobias
Triche
Velazquez
Vick
Wall
Warren
Weiss
Willis
Wisham
Zervigon

NAYS

Delegates—
Armentor
Asseff
Blair
Casey
De Blieux
Deshotels
Dunlap
Duval
Edwards
Fayard
Total—29.

Flory
Heine
Juneau
Kilbourne
LeBleu
Leithman
Munson
Nunez
Ourso
Robinson

Segura
Slay
Stephenson
Stinson
Toomy
Ullo
Vesich
Winchester
Womack

ABSENT

Delegates—
Arnette
Avant
Cannon
Corne
Total—10.

Dennis
Fowler
Guidry
Lanier

LeBreton
Toca

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alexander sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alexander to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 15 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) The legislature shall be composed of a single chamber consisting of one member to represent each legislative district."

Delegate Alexander moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 7 yeas and 115 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Miller in the Chair

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

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AMENDMENT No. 1—

On page 1, delete lines 18 and 19 in their entirety
Delegate Flory moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Jack	Rachal
Alexander	Jenkins	Riecke
Armentor	Kean	Robinson
Asseff	Kilbourne	Smith
Chatelain	Lambert	Stinson
Conroy	Landry, E. J.	Sutherland
Cowen	LeBleu	Tate
Dennery	Leigh	Tobias
Dunlap	Lennox	Ullo
Flory	Mauberret	Vesich
Fowler	Munson	Weiss
Gauthier	Nunez	Willis
Giarrusso	O'Neill	Winchester
Hardee	Perez	Wisham
Hayes	Perkins	Womack
Haynes	Planchard	
Total—47.		

NAYS

Delegates—		
Abraham	Elkins	Roemer
Alario	Fayard	Roy
Anzalone	Fontenot	Sandoz
Arnette	Fulco	Schmitt
Badeaux	Ginn	Segura
Bel	Grier	Shannon
Bergeron	Guarisco	Silverberg
Blair	Heine	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jackson, J.	Soniat
Brown	Juneau	Stagg
Burns	Kelly	Stephenson
Burson	Kilpatrick	Stovall
Carmouche	Landrum	Tapper
Casey	Landry, A.	Thistlethwaite
Champagne	Leithman	Thompson
Chehardy	Lowe	Toomy
Conino	McDaniel	Triche
D'Gerolamo	Martin	Velazquez
De Blieux	Miller	Vick
Derbes	Mire	Warren
Deshotels	Newton	Zervigon
Drew	Ourso	
Duval	Rayburn	
Edwards	Reeves	
Total—73.		

ABSENT

Delegates—		
Mr. Chairman	Dennis	Lanier
Avant	Gravel	LeBreton
Cannon	Guidry	Toca
Corne	Hernandez	Wall
Total—12.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Perez sent up floor amendments which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez and Kilpatrick to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, delete the period "." and add the following:
"provided that bills and resolutions not finally passed by both houses in any session of the legislature shall be automatically withdrawn from its files."

Delegate Perez moved the adoption of the amendment.

Delegate Singletary objected.

By a vote of 89 yeas and 0 nays the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 1, was read as amended.

Delegate Fayard moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Reeves
Abraham	Giarrusso	Riecke
Aertker	Ginn	Robinson
Alario	Gravel	Roy
Anzalone	Grier	Schmitt
Asseff	Guarisco	Segura
Badeaux	Hardee	Shannon
Bel	Hayes	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Juneau	Soniat
Brown	Kelly	Stagg
Burns	Kilpatrick	Stephenson
Carmouche	Landrum	Stovall
Casey	Landry, A.	Sutherland
Chatelain	Landry, E. J.	Tapper
Chehardy	LeBleu	Tate
Conino	Leigh	Taylor
Conroy	Leithman	Thistlethwaite
Corne	Lennox	Thompson
Cowen	McDaniel	Tobias
D'Gerolamo	Martin	Toomy
De Blieux	Mauberret	Triche
Dennery	Miller	Ullo
Deshotels	Newton	Velazquez
Drew	Nunez	Vesich
Dunlap	O'Neill	Vick
Duval	Ourso	Wall
Edwards	Perez	Warren
Elkins	Perkins	Weiss
Fayard	Planchard	Winchester
Fontenot	Rachal	Wisham
Fowler	Rayburn	Zervigon
Fulco		
Total—103.		

NAYS

Delegates—		
Alexander	Kilbourne	Willis
Flory	Roemer	Womack
Jenkins	Stinson	
Total—8.		

ABSENT

Armentor	Derbes	Lanier
Arnette	Guidry	LeBreton
Avant	Haynes	Lowe
Burson	Heine	Mire
Cannon	Hernandez	Munson
Champagne	Kean	Sandoz
Dennis	Lambert	Toca
Total—21.		

And the Chair declared that the above Section was passed.

Delegate Fayard moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Sessions; Annual, Extraordinary

Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in any year beyond sixty calendar days following the second Monday in May. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings, but shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year. A legislative day is a calendar day on which either house of the legislature is in session.

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written request of a majority of the elected members of each house, by the presiding officers of both houses. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Rayburn, Kilpatrick, Casey, Fulco, Ginn, Juneau, Alario, Mauberret, Leithman, Planchard, Nunez, Fowler, Womack, Munson, Winchester, Toomy, Chehardy, DeGerolamo, Mire, Thompson, Edwards, Singletary to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet annually in regular session for not more than sixty legislative days, which need not be consecutive, but no regular session shall continue beyond eighty calendar days after convening. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the nineteenth calendar day of the session, except by a favorable record vote of two-thirds of the elected members of each house. A legislative day is a calendar day on which either or both houses are in session."

AMENDMENT No. 2—

On page 2, delete lines 1 through 9, both inclusive, in their entirety

Motion

Delegate O'Neill moved that the Convention resolve it-

self into a Committee of the whole for a period of two hours.

Delegate Tapper objected.

By a vote of 30 yeas and 79 nays the Convention refused to resolve itself into a Committee of the whole.

Motion

Delegate Riecke moved that all amendments affecting the time limitations of the Legislature be placed on the Delegate's desks and that no votes be taken thereon until Saturday, July 14, 1973.

Delegate Blair objected.

By a voice vote the motion was defeated.

Delegate Rayburn moved the adoption of the amendments.

Mr. Fayard objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Roemer
Alario	Gauthier	Sandoz
Anzalone	Ginn	Segura
Arnette	Guarisco	Shannon
Badeaux	Hardee	Silverberg
Bel	Heine	Singletary
Blair	Jack	Slay
Bollinger	Jackson, A.	Smith
Brien	Jackson, J.	Soniati
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilpatrick	Stovall
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Conino	LeBleu	Taylor
Conroy	Leithman	Thistlethwaite
Corne	McDaniel	Thompson
Cowen	Martin	Tobias
Dennery	Mauberret	Toomy
Deshotels	Mire	Triche
Drew	Munson	Ullo
Dunlap	Newton	Vesich
Duval	Nunez	Vick
Edwards	Ourso	Weiss
Elkins	Perez	Winchester
Fontenot	Planchard	Womack
Fowler	Rayburn	Zervigon
Total—84.		

NAYS

Delegates—		
Mr. Chairman	Gravel	O'Neill
Aertker	Grier	Perkins
Alexander	Hayes	Reeves
Asseff	Haynes	Riecke
Bergeron	Jenkins	Robinson
Champagne	Kilbourne	Roy
De Blieux	Lambert	Schmitt
Derbes	Landrum	Sutherland
Fayard	Leigh	Velazquez
Flory	Lennox	Warren
Giarrusso	Miller	Willis
Total—34.		

ABSENT

Delegates—		
Armentor	Dennis	Lowe
Avant	Guidry	Rachal
Burson	Hernandez	Toca
Cannon	Lanier	Wall
D'Gerolamo	LeBreton	
Total—14.		

And the amendments were adopted.

Delegate Rayburn moved to reconsider the vote by which

the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Newton to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32, both inclusive, in their entirety and on page 2, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet annually in regular session convening at twelve o'clock noon on the fourth Monday in April for such term and under such conditions as may be provided by law."

AMENDMENT No. 2—

On page 2, delete line 10 in its entirety and insert in lieu thereof the following:

"(B) During such times as the legislature is not convened in regular session, it may be convened by the"

AMENDMENT No. 3—

On page 1, strike out in their entirety, Amendments No. 1 and Amendment No. 2, proposed by Mr. Rayburn and adopted by the Convention on July 13, 1973.

Delegate Newton moved the adoption of the amendments.

Mr. Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Grier	Silverberg
Abraham	Guarisco	Singletary
Anzalone	Haynes	Slay
Badeaux	Landry, A.	Soniati
Casey	LeBleu	Tate
Corne	Miller	Thistlethwaite
Dennery	Mire	Triche
De Blieux	Newton	Velazquez
Drew	Sandoz	Winchester
Dunlap	Schmitt	
Duval		
Total—29.		

NAYS

Delegates—	Fayard	Landrum
Alario	Flory	Landry, E. J.
Alexander	Fontenot	Leigh
Asseff	Fowler	Leithman
Bel	Fulco	Lennox
Bergeron	Gauthier	McDaniel
Blair	Giarrusso	Martin
Bollinger	Ginn	Maubert
Brien	Gravel	Munson
Brown	Hardee	Nunez
Burns	Hayes	O'Neill
Carmouche	Heine	Perez
Champagne	Jack	Perkins
Chatelain	Jackson, A.	Planchard
Chehardy	Jackson, J.	Rayburn
Conino	Jenkins	Reeves
Conroy	Juneau	Riecke
Cowen	Kean	Robinson
D'Gerolamo	Kelly	Roemer
Derbes	Kilbourne	Roy
Deshotels	Kilpatrick	Segura
Edwards	Lambert	Shannon
Elkins		

Smith	Taylor	Warren
Stagg	Thompson	Weiss
Stephenson	Tobias	Willis
Stinson	Toomy	Wisham
Stovall	Ullo	Womack
Sutherland	Vesich	Zervigon
Tapper	Vick	
Total—86.		

ABSENT

Delegates—	Lanier	Lowe
Mr. Chairman	LeBreton	Ours
Aertker	Cannon	Rachal
Armentor	Dennis	Toca
Arnette	Guidry	Wall
Avant	Hernandez	
Burson		
Total—17.		

And the amendments were rejected.

Delegate Champagne moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32, both inclusive, in their entirety and on page 2, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet in regular annual sessions as provided by law."

AMENDMENT No. 2—

Strike out in their entirety Amendment No. 1 and No. 2 proposed by Mr. Rayburn and adopted by the Convention on July 13, 1973.

Delegate Abraham moved the adoption of the amendments.

Delegate Blair objected.

By a vote of 15 yeas and 96 nays the amendments were rejected.

Delegate Blair moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins, Stinson and Flory to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 9, insert the following: "During any regular annual session held in an odd-numbered year, no measures levying new taxes, increasing existing taxes or repealing tax exemptions shall be introduced or enacted."

Delegate Jenkins moved the adoption of the amendments.

Delegate Wall objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Anzalone	Asseff
Abraham	Arnette	Bel
Alario		

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Bergeron	Ginn	O'Neill
Bollinger	Hardee	Perez
Burns	Hayes	Roy
Champagne	Jack	Shannon
Chatelain	Jenkins	Smith
Chehardy	Kean	Stagg
Conino	Kilbourne	Stinson
Conroy	Kilpatrick	Tapper
Deshotels	Lambert	Ullo
Elkins	LeBleu	Vesich
Fayard	Leigh	Warren
Flory	Lennox	Weiss
Fontenot	McDaniel	Willis
Fulco	Mauberret	Winchester
Gauthier	Miller	Womack
Total—51.		

NAYS

Delegates—	Jackson, J.	Sandoz
Badeaux	Juneau	Schmitt
Blair	Kelly	Segura
Carmouche	Landrum	Silverberg
Casey	Landry, A.	Singletary
Corne	Landry, E. J.	Slay
Cowen	Leithman	Soniat
De Blieux	Lowe	Stephenson
Dennerly	Martin	Stovall
Derbes	Mire	Tate
Drew	Newton	Thistlethwaite
Dunlap	Nunez	Toomy
Duval	Ourso	Triche
Edwards	Perkins	Velazquez
Fowler	Planchard	Vick
Giarrusso	Rayburn	Wisham
Gravel	Reeves	Wall
Grier	Robinson	Zervigon
Haynes	Roemer	
Jackson, A.		
Total—56.		

ABSENT

Delegates—	D'Gerolamo	Rachal
Mr. Chairman	Dennis	Riecke
Aertker	Guarisco	Sutherland
Alexander	Guidry	Taylor
Armentor	Heine	Thompson
Avant	Hernandez	Tobias
Brien	Lanier	Toca
Brown	LeBreton	
Burson	Munson	
Cannon		
Total—25.		

And the amendment was rejected.

Delegate Wall moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Weiss to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Delegate Amendment No. 1, proposed by Delegate Rayburn, et al and adopted by the convention on July 13, 1973, delete lines 3, 4, and 5 of said amendment in their entirety and insert in lieu thereof the following: "calendar days. The legislature shall con—"

AMENDMENT No. 2—

On page 1, in Delegate Amendment No. 1, proposed by Delegate Rayburn, et al and adopted by the convention on July 13, 1973, at the end of line 9, delete "nin—" and at the

beginning of line 10, delete "teenth" and insert in lieu thereof "fifteenth"

Delegate Wiess moved the adoption of the amendments.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Kilbourne	Robinson
Arnette	Lennox	Stinson
Asseff	Miller	Velazquez
Champagne	Nunez	Vesich
Fayard	O'Neill	Weiss
Flory	Perez	Willis
Jenkins	Perkins	
Kean		
Total—20.		

NAYS

Delegates—	Fowler	Rayburn
Abraham	Fulco	Reeves
Alario	Gauthier	Roemer
Anzalone	Giarrusso	Roy
Badeaux	Ginn	Sandoz
Bel	Gravel	Schmitt
Bergeron	Grier	Segura
Blair	Hardee	Shannon
Bollinger	Hayes	Silverberg
Brien	Haynes	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Carmouche	Jackson, J.	Soniat
Casey	Juneau	Stagg
Chatelain	Kelly	Stephenson
Chehardy	Kilpatrick	Stovall
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	LeBleu	Thompson
D'Gerolamo	Leigh	Tobias
De Blieux	Leithman	Toomy
Dennerly	Lowe	Triche
Derbes	McDaniel	Ullo
Deshotels	Martin	Vick
Drew	Mauberret	Wall
Dunlap	Mire	Winchester
Duval	Newton	Wisham
Edwards	Ourso	Womack
Elkins	Planchard	Zervigon
Fontenot		
Total—90.		

ABSENT

Delegates—	Guarisco	Munson
Mr. Chairman	Guidry	Rachal
Aertker	Heine	Riecke
Alexander	Hernandez	Sutherland
Armentor	Lambert	Taylor
Avant	Lanier	Toca
Burson	LeBreton	Warren
Cannon		
Dennis		
Total—22.		

And the amendments were rejected.

Delegate Duval moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

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COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 27—

Introduced by Delegate James H. Brown, Jr.:

A RESOLUTION

To extend greetings and commendations to the surviving delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.

Read.

Lies over under the rules.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

July 13, 1973

Chairman E. L. "Bubba" Henry and Delegates to the Constitutional Convention

The Delegates to the Student Constitutional Convention wish to thank you and the Convention for the overwhelming help and consideration given to us. This has been such a great learning experience which we, the future leaders of our State, need. In writing our Constitution, we hope that we have contributed to the Constitutional Convention. We wish to express our sincere appreciation to all Delegates who spoke to us. They gave us the insight to what the State of Louisiana needs.

Again, we thank you.

Sincerely yours,

BOBBY WARD

The Delegates to the
Student Constitutional Convention

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, July 19, at 9:00 o'clock in House Committee Rm. 5 and will consider the following agenda:

AGENDA

Consideration of Committee Proposals 11, 12, 13, and 14 and Delegate Proposal 8.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Thursday, July 19, and Friday, July 20, 1973, at 9 a.m. o'clock

in Room 206, State Capitol Building and will consider the following agenda:

AGENDA

1. Mandatory Reorganization (to be included in the Schedule of the constitution)
2. Public Service Commission (Committee Proposal No. 5)
3. Board of Ethics
4. Dual Office-Holding

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Notice of Cancellation of Meeting

Delegate Lambert, chairman of the Committee on Natural Resources and Environment, sent up the following notice:

The Committee on Natural Resources and Environment scheduled to be held on Wednesday, July 18, at 9:00 o'clock in the Senate Lounge is hereby cancelled and rescheduled for Thursday, July 19.

Respectfully submitted,

LOUIS J. LAMBERT,
Chairman of the Committee on
Natural Resources and Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Wednesday, July 18, at 9:00 a.m. o'clock in House Committee Room 5 and will consider the following agenda:

AGENDA

To continue consideration of proposals referred to the Committee.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Wednesday, July 18, 1973, at 9:00 o'clock in House Committee Room 3 and will consider the following agenda:

AGENDA

To continue consideration of proposals referred to the Committee.

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Lanier 2 Days.

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Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, July 14, 1973 at 9:00 A.M.

As a substitute, Delegate Segura moved that the Convention do now adjourn until Wednesday, July 18, at 1:00 p.m.

Mr. Abraham objected.

And the vote recurred on the substitute motion.

By a vote of 27 yeas and 79 nays the Convention refused to adjourn until Wednesday, July 18, at 1:00 p.m.

As a further substitute Mr. Kean moved that Convention adjourn until Saturday, July 14, at 9:30 a.m.

By a vote of 79 to 18 the motion agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, July 14, 1973, at 9:30 o'clock a.m.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

FIFTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Saturday, July 14, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Giarrusso	Rachal
Abraham	Ginn	Rayburn
Aertker	Gravel	Reeves
Alario	Grier	Riecke
Alexander	Guarisco	Robinson
Anzalone	Hardee	Roemer
Arnette	Hayes	Roy
Asseff	Haynes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Segura
Bergeron	Jack	Shannon
Blair	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Thistlethwaite
Corne	Leigh	Tobias
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Triche
De Blieux	Lowe	Ullo
Denney	McDaniel	Velazquez
Derbes	Martin	Vesich
Drew	Maubertret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Elkins	Munson	Weiss
Fayard	Newton	Willis
Flory	O'Neill	Winchester
Fontenot	Ourso	Wisham
Fowler	Perez	Womack
Fulco	Perkins	Zervigon
Gauthier	Planchard	
Total—116.		

ABSENT

Delegates—		
Armentor	Edwards	Tate
Avant	Guidry	Thayer
Cannon	Lanier	Thompson
Chehardy	LeBleu	Toca
Dennis	LeBreton	
Deshotels	Nunez	
Total—16.		

The Chairman announced that there were 116 members present and a quorum.

Prayer

Prayer was offered by Delgate Weiss.

Pledge of Allegiance

Delegate Slay led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Journal was dispensed with.

On motion of Delegate Abraham, the Journal of yesterday was adopted.

Motion

On motion of Delegate Burns the rules were suspended in order to correct the Official Journal of July 13, 1973 in order that he be recorded as voting "yes" on the amendment proposed by Delegate Conroy, et al, to Committee Proposal No. 3 by Delegate Blair, et al, and adopted on July 13, 1973.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, T. Casey and Kelly:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 27—

Introduced by Delegate James H. Brown, Jr.:

A RESOLUTION

To extend greetings and commendations to the surviving delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.

Read.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

**Delegate and Committee Resolutions on
Second Reading Reported by Committees**

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Con-

stitutional Convention to clarify the requirement with respect to the readings on three different days.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 5 by Delegate Stovall, et al.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, delete line 31 in its entirety

AMENDMENT No. 2—

On page 1, line 32, at the beginning of the line change the letter "G" to "T"

AMENDMENT No. 3—

On page 2, line 1, at the beginning of the line change the letter "H" to "G"

AMENDMENT No. 4—

On page 2, line 2, at the beginning of the line change the letter "I" to "H"

AMENDMENT No. 5—

On page 2, line 3, at the beginning of the line change the letter "J" to "T"

AMENDMENT No. 6—

On page 2, line 4, at the beginning of the line change the letter "K" to "J"

AMENDMENT No. 7—

On page 2, line 5, at the beginning of the line change the letter "L" to "K"

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 7 by Delegate Stovall, et al

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, line 22, after the word "committee" delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 2—

On page 1, line 27, after the word "a" and before the word "committee" insert the word "minority"

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 22—

Introduced by Delegate O'Neill:

A RESOLUTION

To amend and readopt Paragraph B of Rule No. 62 of the Standing Rules of the Constitutional Convention, relative to the notice required for committee meetings.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Stovall the resolution was withdrawn from the files of the Convention.

DELEGATE RESOLUTION No. 24—

Introduced by Delegate Abraham:

A RESOLUTION

Relative to explanation of Substantive Committee Proposals.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Abraham the resolution was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposal Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 2. Sessions; Annual, Extraordinary

Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in any year beyond sixty calendar days following the second Monday in May. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings, but shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year. A legislative day is a calendar day on which either house of the legislature is in session.

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written request of a majority of the elected members of each house, by the presiding officers of both houses. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

Read.

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Delegate Riecke sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Riecke, Sutherland, Guarisco, Bel, Lennox to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following:

"Section 2. (A) There shall be regular annual sessions of the legislature. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed fifteen calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifteenth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in May, at which time it shall reconvene for not to exceed fifty legislative days, which shall not extend beyond the thirty-first day of July in any year. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings. A legislative day is a calendar day on which either or both houses are in session."

AMENDMENT No. 2—

On page 2, delete lines 1 through 9, both inclusive, in their entirety

AMENDMENT No. 3—

Strike out Amendments No. 1 and No. 2 proposed by Delegate Rayburn and adopted by the Convention on July 13, 1973.

Delegate Riecke moved the adoption of the amendments.

Delegate Rayburn objected.

By a vote of 52 yeas and 53 nays the amendments were rejected.

Delegate Womack moved to reconsider the vote by which the amendments were rejected and lay the motion to reconsider on the table.

Delegate Triche objected to tabling the motion to reconsider.

By a vote of 47 yeas and 66 nays the Convention refused to table the motion to reconsider.

Delegate Triche insisted upon the motion to reconsider the vote by which the amendments were rejected.

Delegate Womack objected.

By a vote of 70 yeas and 45 nays the vote by which the amendments were rejected was reconsidered.

Therefore, the chair announced that the Convention had before it the question of the adoption of the Floor Amendments proposed by Delegate Riecke, et al. to Committee Proposal No. 3 by Delegate Blair, et al., to wit:

FLOOR AMENDMENTS

Amendments proposed by Delegates Riecke, Sutherland, Guarisco, Bel, Lennox to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following:

"Section 2. (A) There shall be regular annual sessions of the legislature. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed fifteen calendar days. No new matter intended

to have the effect of law shall be introduced during any regular session after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifteenth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in May, at which time it shall reconvene for not to exceed fifty legislative days, which shall not extend beyond the thirty-first day of July in any year. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings. A legislative day is a calendar day on which either or both houses are in session."

AMENDMENT No. 2—

On page 2, delete lines 1 through 9, both inclusive, in their entirety

AMENDMENT No. 3—

Strike out Amendments No. 1 and No. 2 proposed by Delegate Rayburn and adopted by the Convention on July 13, 1973.

Delegate Riecke moved the adoption of the amendments.

Delegate Womack objected.

Motion

Delegate Tapper moved the previous question on the amendments.

Delegate Chatelain rejected.

By a vote of 53 yeas and 54 nays the convention refused to order the previous question at this time.

Motion

Delegate Fontenot moved the previous question on the amendments.

Delegate Womack objected.

By a vote of 54 yeas and 55 nays the Convention refused to order the previous question at this time.

Delegate Triche moved the adoption of the amendments.

Delegate Drew objected.

By a vote of 59 yeas and 55 nays the amendments were adopted.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

At the end of line 15 of Convention Floor Amendment No. 1 proposed by Mr. Riecke, et al., and adopted by the Convention on July 14, 1973, immediately following the words "for not to exceed" strike out the word "fifty" and insert in lieu thereof "forty-five"

Delegate De Blieux moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 17 yeas and 83 nays the amendment was rejected.

Delegate Drew moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted and reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Delegate Amendment No. 1, proposed by

PAGE 4

15th Days Proceedings—July 14, 1973

Delegate Riecke et al, and adopted by the convention on July 14, 1973, at the end of line 15, delete the word "fifty" and insert in lieu thereof the word "forty"

AMENDMENT No. 2—

On page 1, in Delegate Amendment No. 1, proposed by Delegate Riecke et al, and adopted by the convention on July 14, 1973, at the beginning of line 17, delete the words "thirty-first" and insert in lieu thereof the words "twenty-first"

Delegate Perez moved the adoption of the amendments.

At the request of Delegate Casey a division of the question was ordered.

Delegate Perez moved the adoption of Amendment No. 1.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Burson	Kilbourne
Conino	Kilpatrick
Conroy	Lambert
D'Gerolamo	Landry, E. J.
Flory	Lennox
Fontenot	Lowe
Heine	O'Neill
Jenkins	Perez
Kean	Perkins

Total—26.

NAYS

Delegates—

Mr. Chairman	Fowler
Abraham	Fulco
Alario	Gauthier
Alexander	Giarrusso
Anzalone	Ginn
Arnette	Gravel
Asseff	Grier
Badeaux	Guarisco
Bel	Hayes
Bergeron	Haynes
Blair	Hernandez
Bollinger	Jack
Brien	Jackson, A.
Carmouche	Jackson, J.
Casey	Juneau
Champagne	Kelly
Chatelain	Landry, A.
Corne	Leithman
Cowen	Martin
De Blieux	Miller
Dennery	Mire
Derbes	Munson
Drew	Newton
Dunlap	Planchard
Fayard	Rachal

Total—74.

ABSENT

Delegates—

Aertker	Elkins	Ourso
Armentor	Guidry	Segura
Avant	Hardee	Shannon
Brown	Landrum	Tapper
Burns	Lanier	Tate
Cannon	LeBleu	Taylor
Chehardy	LeBreton	Thompson
Dennis	Leigh	Toca
Deshotels	McDaniel	Vesich
Duval	Mauberret	Womack
Edwards	Nunez	

Total—32.

And the amendment was rejected.

Delegate Drew moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez moved the adoption of amendment No. 2.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Anzalone	Heine	Robinson
Asseff	Jenkins	Roemer
Burson	Kilbourne	Schmitt
Casey	Lambert	Soniat
Conino	Landry, E. J.	Stinson
D'Gerolamo	Lennox	Toomy
Dennery	O'Neill	Ullo
Dunlap	Perez	Weiss
Fayard	Perkins	Willis
Flory	Planchard	Wisham
Fontenot	Reeves	Zervigon
Hayes	Riecke	

Total—35.

NAYS

Delegates—

Abraham	Gauthier	Munson
Alario	Giarrusso	Newton
Alexander	Ginn	Rachal
Arnette	Gravel	Rayburn
Badeaux	Grier	Roy
Bel	Guarisco	Sandoz
Bergeron	Haynes	Silverberg
Blair	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jackson, A.	Smith
Carmouche	Jackson, J.	Stagg
Champagne	Juneau	Stephenson
Chatelain	Kean	Stovall
Conroy	Kelly	Sutherland
Corne	Kilpatrick	Thistlethwaite
Cowen	Landry, A.	Tobias
De Blieux	Leithman	Triche
Derbes	Lowe	Velazquez
Drew	Martin	Vick
Fowler	Miller	Wall
Fulco	Mire	Winchester

Total—63.

ABSENT

Delegates—

Mr. Chairman	Elkins	Segura
Aertker	Guidry	Shannon
Armentor	Hardee	Tapper
Avant	Landrum	Tate
Brown	Lanier	Taylor
Burns	LeBleu	Thompson
Cannon	LeBreton	Toca
Chehardy	Leigh	Vesich
Dennis	McDaniel	Warren
Deshotels	Mauberret	Womack
Duval	Nunez	
Edwards	Ourso	

Total—34.

And the amendment was rejected.

Delegate Drew moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Delegate Amendment No. 1, proposed by

PAGE 5

15th Days Proceedings—July 14, 1973

Delegate Riecke et al., and adopted by the convention on July 14, 1973, on line 15, immediately after the word "exceed" delete the word "fifty" and insert in lieu thereof the word "sixty"

AMENDMENT No. 2—

On page 1, in Delegate Amendment No. 1, proposed by Delegate Riecke et al., and adopted by the convention on July 14, 1973, on line 16, immediately after the word "days," delete the word "which" and insert in lieu thereof the following:

"including those legislative days during the first fifteen calendar day period, but the session"

Delegate Dennery moved the adoption of the amendments.

At the request of Delegate Tapper a division of the question was ordered.

Delegate Dennery moved the adoption of Amendment No. 1.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alexander	Fulco	Stephenson
Anzalone	Jackson, J.	Stovall
Asseff	Landry, E. J.	Thistlethwaite
Carmouche	Newton	Triche
Casey	Perez	Velazquez
Corne	Roy	Vick
Dennery	Sandoz	Weiss
Drew	Schmitt	Zervigon
Fontenot	Singletary	
Fowler	Soniat	
Total—28.		

NAYS

Delegates—

Abraham	Ginn	Perkins
Alario	Gravel	Planchar
Arnette	Grier	Rachal
Badeaux	Guarisco	Rayburn
Bel	Hayes	Reeves
Bergeron	Haynes	Riecke
Blair	Heine	Robinson
Bollinger	Jack	Roemer
Brien	Jackson, A.	Shannon
Burson	Jenkins	Silverberg
Champagne	Juneau	Slay
Chatelain	Kean	Smith
Conino	Kelly	Stagg
Conroy	Kilbourne	Stinson
D'Gerolamo	Kilpatrick	Sutherland
De Blieux	Lambert	Tapper
Derbes	Landry, A.	Tobias
Dunlap	Leithman	Toomy
Duval	Lennox	Uilo
Fayard	Martin	Wall
Flory	Mire	Willis
Gauthier	Munson	Winchester
Giarrusso	O'Neill	Wisham
Total—69.		

ABSENT

Delegates—

Mr. Chairman	Cowen	Landrum
Aertker	Dennis	Lanier
Armentor	Deshotels	LeBleu
Avant	Edwards	LeBreton
Brown	Elkins	Leigh
Burns	Guidry	Lowe
Cannon	Hardee	McDaniel
Chehardy	Hernandez	Mauberet

Miller
Nunez
Ourso
Segura
Total—35.

Tate
Taylor
Thompson
Toca

Vesich
Warren
Womack

And the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennery, and under a suspension of the rules, Amendment No. 2 was withdrawn.

Delegate J. Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Delegate Amendment No. 1, proposed by Delegate Riecke, et al. and adopted by the convention on July 14, 1973, at the end of line 11, immediately after the word "law" change the period "." to a semicolon ";" and add the following:

"except bills and resolutions enacted by the favorable vote of two-thirds of the elected members of each house of the legislature, after certification by the governor that there is a necessity for the immediate passage thereof."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 34 yeas and 61 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Burson moved for a suspension of the rules in order to move the previous question on Section 1, Paragraph A of Convention Proposal No. 3 by Delegates Blair, et al.

Delegate De Blieux objected.

By a vote of 26 yeas and 67 nays the Convention refused to suspend the rules at this time.

Motion

Delegate Bollinger moved that the Convention recess for a period of 45 minutes.

Delegate Jenkins objected.

By a vote of 28 yeas and 64 nays the Convention refused to recess at this time.

Motion

Delegate Chatelain moved that the Convention take up other orders of Business.

Delegate Jenkins objected.

By a vote of 28 yeas and 62 nays the Convention refused to take up other Orders of Business at this time.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

PAGE 6

15th Days Proceedings—July 14, 1973

AMENDMENT No. 1—

Delete Amendment No. 1 proposed by Delegate Riecke, et al. and adopted by the convention on July 14, 1973.

AMENDMENT No. 2—

On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following:

"Section 2. "A" The legislature shall convene each year in regular session at twelve o'clock noon on the first Monday in April for not to exceed ten calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the tenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the tenth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in April which time it shall reconvene for not to exceed fifty legislative days, which shall not extend beyond the thirtieth day of June in any year. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings. A legislative day is a calendar day on which either house is in session."

Delegate Gravel moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 41 yeas and 42 nays and the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected.

Delegate Burson moved to table the motion to reconsider.

Delegate Jenkins objected.

By a vote of 42 yeas and 45 nays the Convention refused to table the motion to reconsider.

Delegate Jenkins insisted upon the motion to reconsider the vote by which the amendments were rejected.

Delegate Womack objected.

By a vote of 70 yeas and 45 nays the vote by which the amendments were rejected was reconsidered.

Motion

Delegate Kean moved to take up other Orders of Business at this time.

Delegate Tapper objected.

By a vote of 40 yeas and 50 nays the Convention refused to take up other Orders of Business at this time.

Motion

Delegate Burson moved the previous question on the amendment.

Delegate Newton objected.

By a vote of 36 yeas and 57 nays the Convention refused to order the previous question at this time.

Motion

Delegate Chatelain moved to take up other Orders of Business at this time.

Delegate Weiss objected.

By a vote of 55 yeas and 42 nays the Convention agreed to take up other Orders of Business at this time.

Motion

On motion of Delegate Asseff, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 28—

Introduced by Delegates Asseff, Lennox, Miller, Planchard, Wisham and Anzalone:

A RESOLUTION

Relative to reports of substantive committees.

Read by title.

Rules suspended.

Under the rules the above resolution was referred to the Committee on Rules, Credentials and Ethics.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Wednesday, July 18, 1973, at 9:00 a.m. o'clock in Senate Lounge, State Capitol and will consider the following agenda:

AGENDA

Continued consideration of the committee proposal on elections.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials & Ethics, sent up the following notice:

The Committee on Rules, Credentials & Ethics will meet on Wednesday, July 18, 1973, after adjournment, in Committee Room 1, State Capitol and will consider the following agenda:

AGENDA

To consider resolutions referred to the committee.

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegates: Dennis, Deshotels, Taylor, Thompson and Tate.

Adjournment

Delegate Chatelain moved to adjourn until Wednesday, July 18, 1973 at 1:00 o'clock P.M.

As a substitute Delegate Bollinger moved that the Convention adjourn until Tuesday, July 17, 1973 at 1:00 o'clock P.M.

The vote recurred on the motion for the longest period of adjournment.

By a vote of 79 yeas and 14 nays the Convention adjourned until Wednesday, July 18, 1973 at 1:00 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Wednesday, July 18, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

SIXTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, July 18, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

YEAS

Delegates—	Fulco	Perkins
Mr. Chairman	Gauthier	Planchard
Abraham	Giarrusso	Rayburn
Aertker	Ginn	Reeves
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Anzalone	Guarisco	Roemer
Arnette	Hardee	Roy
Asseff	Hayes	Sandoz
Avant	Haynes	Schmitt
Badeaux	Heine	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Burns	Jureau	Stagg
Burson	Kean	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tapper
Chehardy	Landrum	Tate
Conino	Landry, A.	Taylor
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Triche
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Drew	Mauberet	Wall
Dunlap	Miller	Warren
Duval	Mire	Weiss
Edwards	Newton	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Womack
Fontenot	Perez	Zervigon
Fowler		
Total—123.		

ABSENT

Delegates—	Guidry	Rachal
Armentor	LeBreton	Segura
Brown	Munson	Ullo
Cannon		
Total—9.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by the Rev. Zimmerman, pastor of St. Stephens Catholic Church.

Pledge of Allegiance

Delegate Cowen led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate A. Landry, the reading of the Journal was dispensed with.

On motion of Delegate A. Landry, the Journal of yesterday was adopted.

Morning Hour

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Dennery:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Read.

Lies over under the rules.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Resolutions on Third Reading and Final Passage at this time.

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to clarify the requirement with respect to the readings on three different days.

Read.

Delegate Tobias send up the following amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Resolution No. 5 by Delegate Stovall, et al.

Amend engrossed Resolutions as follows:

AMENDMENT No. 1—

On page 1, line 9, after the word "to" delete the remainder of the line, delete line 10 in its entirety and insert in lieu thereof the following:

"delete the requirement with respect to reference to the Committee on Style and Drafting prior to the third reading and to clarify the requirement with respect to the readings on three different days."

On motion of Delegate Tobias the amendment was adopted.

On motion of Delegate Stovall the Resolution, as amended, was adopted.

COMMITTEE RESOLUTION No. 7—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics, and Dele-

gates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Valazquez and Warren:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for submission of minority proposals.

Read.

On motion of Delegate Perez the Resolution was recommended to the Committee on Rules, Credentials and Ethics.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up unfinished business at this time.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 2. Sessions; Annual, Extraordinary

Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in any year beyond sixty calendar days following the second Monday in May. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings, but shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year. A legislative day is a calendar day on which either house of the legislature is in session.

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written request of a majority of the elected members of each house, by the presiding officers of both houses. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein which shall never exceed thirty calendar days.

Read.

Motion

On motion of Delegate Duval the Convention reconsidered the vote by which Convention Floor Amendments No. 1 and No. 2 proposed by Mr. Riecke, et al. were adopted on July 14, 1973, and on Delegate Duval's motion the motion to reconsider was tabled.

The Chair announced that the Convention had before it the question of the adoption of the Floor Amendments proposed by Delegate Gravel to Committee Proposal No. 3 by Delegate Blair, et al. which were reconsidered on July 14, 1973, to wit:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

Delete Amendment No. 1 proposed by Delegate Riecke, et al. and adopted by the convention on July 14, 1973.

AMENDMENT No. 2—

On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall convene each year in regular session at twelve o'clock noon on the first Monday in April for not to exceed ten calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the tenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the tenth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in April which time it shall reconvene for not to exceed fifty legislative days, which shall not extend beyond the thirtieth day of June in any year. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings. A legislative day is a calendar day on which either house is in session."

Motion

On motion of Delegate Gravel, the above amendments were withdrawn.

Delegate Riecke sent up the following amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Riecke, Sutherland, Guarisco, Bel, Triche, Gravel, Roy, Newton and Jenkins to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

Delete Amendment No. 1 proposed by Delegate Riecke, et al. and adopted by the convention on July 14, 1973.

AMENDMENT No. 2—

On page 1, delete lines 21 through 32 in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall convene each year in regular session at twelve o'clock noon on the first Monday in April for not to exceed twelve calendar days. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the twelfth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the twelfth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the fourth Monday in April at which time it shall reconvene for not to exceed fifty legislative days, which shall not extend beyond the thirtieth day of June in any year. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings. A legislative day is a calendar day on which either house is in session."

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AMENDMENT No. 3—

On page 2, delete lines 1 through 9 both inclusive, in their entirety.

Delegate Riecke moved the adoption of the amendments.

Delegate Nunez objected.

Motion

Delegate Newton moved the previous question on the amendments.

Delegate Riecke objected.

By a vote of 32 yeas and 74 nays the Convention refused to order the previous question at this time.

Motion

Delegate Champagne moved the previous question on the amendments.

Delegate D'Gerolamo objected.

By a vote of 30 yeas and 82 nays the Convention refused to order the previous question at this time.

Delegate Riecke moved the adoption of the amendments.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fontenot	Newton
Alexander	Gauthier	O'Neill
Badeaux	Giarrusso	Riecke
Bel	Gravel	Roemer
Bollinger	Grier	Roy
Brien	Heine	Sandoz
Burson	Hernandez	Silverberg
Carmouche	Jenkins	Slay
Casey	Juneau	Sutherland
Champagne	Kean	Tapper
Chatelain	Kilbourne	Tate
Chehardy	Landrum	Thistlethwaite
Corne	Landry, A.	Tobias
De Blieux	Lanier	Triche
Dennery	Leigh	Warren
Derbes	Lennox	Weiss
Drew	Lowe	Willis
Duval	Miller	Zervigon
Fayard		
Total—55.		

NAYS

Delegates—		
Abraham	Fowler	Nunez
Alario	Fulco	Ourso
Anzalone	Ginn	Perez
Asseff	Hardee	Planchard
Avant	Hayes	Rayburn
Bergeron	Jack	Reeves
Blair	Jackson, A.	Robinson
Burns	Jackson, J.	Schmitt
Conino	Kelly	Shannon
Conroy	Kilpatrick	Singletary
Cowen	Lambert	Smith
D Gerolamo	Landry, E. J.	Soniat
Dennis	LeBleu	Stagg
Deshotels	Leithman	Stephenson
Dunlap	McDaniel	Stinson
Edwards	Martin	Stovall
Elkins	Mauberrret	Taylor
Flory	Mire	Thompson

Toca
Toomy
Velazquez
Total—63.

Vesich
Vick
Wall

Winchester
Wisham
Womack

ABSENT

Delegates—

Mr. Chairman
Armentor
Arnette
Brown
Cannon

Guarisco
Guidry
Haynes
LeBreton
Munson

Perkins
Rachal
Segura
Uilo

Total—14.

And the amendments were rejected.

Delegate Rayburn moved to reconsider the vote by which the amendments were rejected and on his own motion that motion was laid on the table.

Delegate Nunez sent up the following amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Nunez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet annually in regular session for sixty days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the nineteenth calendar day of the session, except by a favorable record vote of two-thirds of the elected members of each house.

AMENDMENT No. 2—

On page 2, delete lines 1 through 9, both inclusive, in their entirety.

On motion of Delegate Nunez, the amendments were withdrawn.

Delegate Nunez sent up the following amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Nunez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet annually in regular session for not more than sixty consecutive calendar days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the nineteenth calendar day of the session, except by a favorable record vote of two-thirds of the elected members of each house.

AMENDMENT No. 2—

On page 2, delete lines 1 through 9, both inclusive, in their entirety.

AMENDMENT No. 3—

Delete in their entirety Amendments No. 1 and No. 2 proposed by Delegate Riecke et al. and adopted by the Convention on July 14, 1973.

Delegate Nunez moved the adoption of the amendments.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Alario	Jackson, J.	Rayburn
Asseff	Jenkins	Reeves
Avant	Kelly	Robinson
Blair	Kilpatrick	Roy
Chehardy	Lambert	Shannon
D'Gerolamo	LeBleu	Slay
Dennis	Leigh	Smith
Deshotels	Leithman	Stinson
Drew	Martin	Taylor
Dunlap	Mauberret	Thompson
Edwards	Mire	Toca
Elkins	Newton	Toomy
Flory	Nunez	Vesich
Fowler	O'Neill	Weiss
Ginn	Ourso	Willis
Haynes	Perez	Winchester
Jack	Perkins	Wisham
Jackson, A.	Planchard	Womack
Total—54.		

NAYS

Delegates—

Abraham	Fayard	McDaniel
Aertker	Fontenot	Miller
Anzalone	Fulco	Riecke
Badeaux	Gauthier	Roemer
Bel	Giarrusso	Sandoz
Bergeron	Gravel	Schmitt
Bollinger	Grier	Silverberg
Brien	Guarisco	Singletary
Burns	Hardee	Soniat
Burson	Hayes	Stagg
Carmouche	Heine	Stephenson
Casey	Hernandez	Stovall
Champagne	Juneau	Sutherland
Chatelain	Kean	Tate
Conino	Kilbourne	Thistlethwaite
Conroy	Landrum	Tobias
Corne	Landry, A.	Triche
Cowen	Landry, E. J.	Velazquez
De Blieux	Lanier	Vick
Dennery	Lennox	Warren
Duval	Lowe	Zervigon
Total—63.		

ABSENT

Delegates—

Mr. Chairman	Cannon	Rachal
Alexander	Derbes	Segura
Armentor	Guidry	Tapper
Arnette	LeBreton	Ullo
Brown	Munson	Wall
Total—15.		

And the amendments were rejected.

Delegate Roemer moved to reconsider the vote by which the amendments were rejected and on this own motion that motion was laid on the table.

Delegate De Blieux sent up the following amendments which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 1. in Delegate Amendment No. 1, proposed by Delegate Riecke, et al. and adopted by the convention on July 14, 1973, on line 17, before the words "in any year." delete the words "thirty-first day of July" and insert in lieu thereof the following words "fifth day of August"

Delegate De Blieux moved the adoption of the amendment.

Delegate Blair objected.

And by a vote of 10 yeas and 102 nays the amendment was rejected.

Delegate Blair moved to reconsider the vote by which the amendment was rejected and on his own motion that motion was laid on the table.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions, Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by subsection or paragraph rather than by section.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

Read.

Lies over under the rules.

Mr. Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

July 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:
I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention has been properly enrolled in final form:

COMMITTEE RESOLUTION No. 5—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 44 of the Standing Rules of the Constitutional Convention to delete the requirement with respect to reference to the Committee on Style and Drafting prior to the third reading and to clarify the requirement with respect to the readings on three different days. BE IT RESOLVED that Rule No. 44 of the Standing Rules at the Constitutional Convention is hereby amended and re-adopted to read as follows:

Rule No. 44. Order of Processing. The order of convention procedure in processing each proposal shall be as follows:

A. Introduction, which shall constitute the first reading.

B. Committee Referrals: Committee proposals shall be referred to the committee offering the proposal. Delegate proposals shall be referred by the chairman of the convention to the appropriate committee based on the subject matter of the proposal. The chairman shall announce his referral to the delegates and if no objection is raised, the proposal shall be referred to the committee designated by the chairman; if objection is raised, the referral shall be made by the convention. Referrals shall be made the day following introduction. Committee referral shall commence the second reading.

C. Committee reports.

D. Consideration of and voting on the substantive committee report by delegates in general assembly.

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E. If recommitted, reconsideration by substantive committee or committee of the whole.

F. Engrossment, which shall complete the second reading.

G. Third reading and final passage.

H. Enrollment.

I. Referral to Committee on Style and Drafting.

J. Convention approval of final styling.

K. Final enrollment.

The three required readings shall occur on three different days.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

The Resolution contained in the report was signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Thursday, July 19, 1973, at adjourned in Independence Hall and will consider the following agenda:

AGENDA

To consider the Committee Proposal referred to the Committee.

Respectfully submitted,

ALBERT TATE,
Chairman of the Committee on
Style and Drafting.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice, having recessed its meeting on July 18:

The Committee on Bill of Rights and Elections will continue to meet on Thursday, July 19, 1973, at 9:00 o'clock a.m. in Committee Room 9 and will consider the following agenda:

AGENDA

Continue consideration of the Proposals referred to the Committee.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Friday, July 20, 1973, at 9:00 o'clock in Committee Rm. No. 5 and will consider the following agenda:

AGENDA

Continued consideration of Committee Proposal No. 15.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Suspension of the Rules

Delegate Perez asked for and obtained a suspension of the rules for the purpose of holding a committee meeting without the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Prochial Government, sent up the following notice:

The Committee on Local and Prochial Government will meet on Thursday, July 19 1973, at 9:30 o'clock a.m. in Committee Rm. No. 3, State Capitol and will consider the following agenda:

AGENDA

Continued consideration of Proposals referred to the Committee.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Segura 3—Days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, July 19, 1973, at one o'clock, P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, July 19 at one o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

SEVENTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, July 19, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Mr. Chairman	Fulco	Rachal
Abraham	Gauthier	Rayburn
Aertker	Giarrusso	Reeves
Alario	Ginn	Riecke
Alexander	Gravel	Robinson
Anzalone	Grier	Roemer
Armentor	Guarisco	Roy
Arnette	Hardee	Sandoz
Asseff	Hayes	Schmitt
Avant	Haynes	Shannon
Badeaux	Heine	Silverberg
Bel	Hernandez	Singletary
Bergeron	Jack	Slay
Blair	Jackson, A.	Smith
Bollinger	Jackson, J.	Soniat
Brien	Jenkins	Stagg
Brown	Juneau	Stephenson
Burns	Kean	Stinson
Burson	Kelly	Stovall
Carmouche	Kilbourne	Sutherland
Casey	Kilpatrick	Tapper
Champagne	Lambert	Tate
Chatelain	Landrum	Taylor
Chehardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Toomy
De Blieux	Leithman	Triche
D'Gerolamo	Lennox	Ullo
Dennery	McDaniel	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberret	Vick
Deshotels	Miller	Wall
Drew	Mire	Warren
Dunlap	Munson	Weiss
Duval	Newton	Willis
Edwards	Nunez	Winchester
Elkins	O'Neill	Wisham
Fayard	Ourso	Womack
Flory	Perez	Zervigon
Fontenot	Perkins	
Fowler	Planchard	
Total—127.		

ABSENT

Delegates—		
Cannon	LeBreton	Segura
Guidry	Lowe	
Total—5.		

The Chairman announced that there were 127 members
present and a quorum.

Prayer

Prayer was offered by the Rev. Hilary J. Zimmerman.

Pledge of Allegiance

Delegate Singletary led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Newton, the reading of the Journal
was dispensed with.

On motion of Delegate Newton, the Journal of yesterday
was adopted.

Morning Hour

Introduction of Resolutions
Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of
the Constitutional Convention, relative to limits on de-
bate.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and
read:

Delegate Stovall, chairman, on behalf of the Committee
on Rules, Credentials and Ethics, submitted the following
report:

State of Louisiana
Constitutional Convention
of 1973

July 19, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional
Convention:

I am directed by your Committee on Rules, Credentials
and Ethics to submit the following report:

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials and Ethics, and Dele-
gates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire,
Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Con-
stitutional Convention to clarify the requirement that each
committee proposal shall bear the signature of a majority
of the members of the committee.

Reported with amendments.

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials and Ethics, and Dele-
gates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes,
McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velaz-
quez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating
equipment and the distribution of materials to delegates
while in session.

Reported with amendments.

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, T. A. Casey and
Kelly:

A RESOLUTION

Relative to amending the Standing Rules of the Constitu-

tional Convention to provide for regulation of lobbying before the Constitutional Convention.

Reported favorably.

Respectfully submitted,

JAMES L. STOVALL,
Chairman.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 13—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for the selection of jurors and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

Read.

Lies over under the rules.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by subsection or paragraph rather than by section.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Denny:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Read.

Under the rules the above Proposal was referred to the Committee on the Executive Department.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 2. Sessions; Annual, Extraordinary

Section 2. (A) The legislature shall meet in regular annual sessions. In each year the regular session shall extend for not more than fifty-five legislative days. The legislature shall convene at twelve o'clock noon on the fourth Monday in April of each year for not to exceed five calendar days. During this period no committee shall report and neither house shall adopt any bill or resolution which is intended to have the effect of law. Not later than the close of the fifth calendar day the legislature shall adjourn and stand in recess until twelve o'clock noon on the second Monday in May, at which time the legislature shall reconvene for not to exceed fifty legislative days, which shall not extend in any year beyond sixty calendar days following the second Monday in May. During the interim between adjournment and reconvening, the committees of the houses may meet and hold hearings, but shall take no vote with respect to any bill or resolution referred to them. No new matter intended to have the effect of law shall be introduced during any regular session after midnight of the third Monday in May of each year. A legislative day is a calendar day on which either house of the legislature is in session.

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written request of a majority of the elected members of each house, by the presiding officers of both houses. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein which shall never exceed thirty calendar days.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Rayburn, Casey, Womack, Fayard, Toca and D'Gerolamo to Committee Proposal No. 3 by Delegates Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

Strike out Amendment No. 1 proposed by Mr. Riecke, et al. adopted by the Convention on July 14, 1973.

AMENDMENT No. 2—

On Page 1, delete lines 21 through 32 and insert in lieu thereof the following:

"Section 2. (A) The legislature shall meet annually in regular session in the state capitol during a period of eighty-five calendar days for not more than sixty legislative days. A legislative day is a calendar day on which either house is

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in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at twelve o'clock noon on the third Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house."

Delegate Rayburn moved the adoption of the amendments.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Rachal
Abraham	Fulco	Rayburn
Alario	Gauthier	Reeves
Alexander	Ginn	Roy
Anzalone	Hardee	Shannon
Asseff	Hayes	Singletary
Badeaux	Haynes	Slay
Blair	Hernandez	Smith
Brien	Jack	Soniat
Burns	Jackson, A.	Stephenson
Casey	Jackson, J.	Stinson
Chatelain	Juneau	Stovall
Chehardy	Kelly	Tapper
Conroy	Landrum	Tate
Corne	Landry, E. J.	Taylor
Cowen	LeBleu	Thistlethwaite
D'Gerolamo	McDaniel	Toca
De Blieux	Martin	Toomy
Dennis	Mauberret	Velazquez
Deshotels	Mire	Vesich
Drew	Munson	Wall
Dunlap	Newton	Weiss
Duval	Nunez	Willis
Edwards	Ourso	Winchester
Elkins	Perez	Womack
Fayard	Perkins	Zervigon
Fontenot	Planchard	
Total—80.		

NAYS

Delegates—		
Armentor	Gravel	Riecke
Avant	Grier	Robinson
Bel	Guarisco	Sandoz
Bergeron	Heine	Schmitt
Burson	Jenkins	Silverberg
Carmouche	Kean	Stagg
Champagne	Kilbourne	Sutherland
Conino	Landry, A.	Tobias
Dennerly	Lanier	Triche
Derbes	Leigh	Ullo
Flory	Lennox	Wisham
Giarrusso	O'Neill	
Total—35.		

ABSENT

Delegates—		
Aertker	Kilpatrick	Roemer
Arnette	Lambert	Segura
Bollinger	LeBreton	Thompson
Brown	Leithman	Vick
Cannon	Lowe	Warren
Guidry	Miller	
Total—17.		

And the amendments were adopted.

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stinson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory, Jenkins, Stinson, O'Neill and Bollinger to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 9, insert the following:
"During any regular annual session held in an odd-numbered year, no measures levying new taxes or increasing taxes shall be introduced or enacted."

Delegate Stinson moved the adoption of the amendment.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Planchard
Aertker	Hardee	Rachal
Alario	Hayes	Reeves
Alexander	Heine	Riecke
Armentor	Jack	Shannon
Asseff	Jackson, J.	Smith
Avant	Jenkins	Soniat
Badeaux	Kean	Stagg
Bel	Kilbourne	Stinson
Bergeron	Kilpatrick	Sutherland
Bollinger	Lambert	Tapper
Burns	Landrum	Taylor
Chehardy	LeBleu	Ullo
Conino	Leigh	Velazquez
Conroy	Lennox	Vesich
Deshotels	McDaniel	Warren
Drew	Mauberret	Weiss
Elkins	Miller	Willis
Flory	Munson	Winchester
Fontenot	Nunez	Wisham
Fulco	O'Neill	Womack
Gauthier	Perez	
Giarrusso	Perkins	
Total—67.		

NAYS

Delegates—		
Abraham	Fayard	Rayburn
Anzalone	Fowler	Robinson
Arnette	Gravel	Roy
Blair	Grier	Sandoz
Brien	Guarisco	Schmitt
Carmouche	Hernandez	Silverberg
Casey	Jackson, A.	Slay
Champagne	Juneau	Stephenson
Chatelain	Kelly	Stovall
Corne	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Thistlethwaite
De Blieux	Lanier	Tobias
Dennis	Leithman	Toca
Derbes	Martin	Toomy
Dunlap	Mire	Triche
Duval	Newton	Zervigon
Edwards	Ourso	
Total—50.		

ABSENT

Delegates—		
Brown	Guidry	Segura
Burson	Haynes	Singletary
Cannon	LeBreton	Thompson
Cowen	Lowe	Vick
Dennerly	Roemer	Wall
Total—15.		

And the amendment was adopted.

Delegate Stinson moved to reconsider the vote by which

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the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau, sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Juneau to Committee Proposal No. 3 by Delegates Blair, et al.

Amend Reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On Page 2, line 11, strike out the word "request" and insert in lieu thereof the word "petition"

AMENDMENT No. 2—

On Page 2, line 13, immediately after the words and punctuation "houses," and before the words "The governor" insert the following:

"Such petition shall be in such form as shall be provided by law or the rules of the two houses."

On motion of Delegate Juneau the amendments were withdrawn from the files of the Convention.

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Juneau to Committee Proposal No. 3 by Delegates Blair, et al.

Amend Reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On Page 2, line 11, strike out the word "request" and insert in lieu thereof the word "petition"

AMENDMENT No. 2—

On Page 2, line 13, immediately after the words and punctuation "houses," and before the words "The governor" insert the following:

"Such petition shall be in such form as shall be provided by law."

On motion of Delegate Juneau the amendments were adopted.

Delegate Juneau moved to reconsider the motion by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 13, immediately after the period "." and before the word "The" and after the language inserted on said line by Floor Amendment No. 1 proposed by Delegate Juneau and adopted by the Convention on July 19, 1973, insert the following:

"However, any proposal to call or convene a special session of the legislature within thirty days prior to the convening of any regular annual session or within thirty days after the adjournment sine die of any session, shall require the consent of three-fourths of the elected members of each house."

Delegate Jenkins moved the adoption of the amendment.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Armentor
Asseff
Avant
Bergeron
Burson
Conroy
Dennery
Flory
Fontenot
Gauthier
Total—32.

Hayes
Jack
Jenkins
Kilbourne
Lambert
Leigh
Lennox
O'Neill
Perez
Perkins
Riecke

Roemer
Stagg
Stinson
Sutherland
Ullo
Vesich
Warren
Weiss
Willis
Wisham

NAYS

Delegates—

Mr. Chairman
Abraham
Alexander
Anzalone
Badeaux
Bel
Blair
Bollinger
Brien
Burns
Carmouche
Casey
Champagne
Chatelain
Conino
Corne
Cowen
D'Gerolamo
De Blieux
Dennis
Derbes
Deshotels
Dunlap
Duval
Elkins
Fayard
Fowler
Fulco
Total—83.

Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Haynes
Heine
Jackson, A.
Jackson, J.
Juneau
Kean
Kelly
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
McDaniel
Martin
Mauberet
Miller
Mire
Munson
Newton
Nunez
Ourso

Planchard
Rayburn
Reeves
Robinson
Roy
Sandoz
Schmitt
Shannon
Silverberg
Singletary
Slay
Smith
Soniati
Stephenson
Stovall
Tate
Taylor
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Triche
Velazquez
Vick
Winchester
Zervigon

ABSENT

Delegates—

Aertker
Arnette
Brown
Cannon
Chehardy
Drew
Total—17.

Edwards
Guidry
Hernandez
LeBleu
LeBreton
Lowe

Rachal
Segura
Tapper
Wall
Womack

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 12, immediately before the words "of the" delete the words "a majority" and insert in lieu thereof the word "two-thirds"

Delegate Jenkins moved the adoption of the amendment.

Delegate Blair objected.

By a vote of 37 yeas and 75 nays the amendment was rejected.

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Delegate Roy moved the reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham, et al. to Committee proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 16 after the word "session." delete the remainder of the sentence.

AMENDMENT No. 2—

On page 2, delete all of lines 17 through 24 in their entirety and insert in lieu thereof the following:

"The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene, and the number of days for which the legislature is convened. The subject matter of the session may be amended, by proclamation to the legislature, until forty-eight hours prior to the hour at which the legislature convenes. The power to legislate, under the penalty of nullity, shall be limited to the subjects specially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time named therein, and shall not exceed thirty days.

The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe."

Delegate Abraham moved the adoption of the amendments.

Delegate Blair objected.

By a vote of 11 yeas and 92 nays the amendments were rejected.

Delegate Blair moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 24 and 25, insert the following:
"The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe."

Delegate Dennery moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 89 yeas and 7 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 2, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Alario
Alexander
Anzalone
Armentor
Bel
Bergeron
Blair
Bollinger
Brien
Burns
Carmouche
Casey
Chatelain
Chehardy
Conino
Corne
Cowen
D'Gerolamo
Dennery
Dennis
Derbes
Deshotels
Drew
Dunlap
Duval
Elkins
Fayard
Fowler
Fulco

Total—92.

Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Juneau
Kean
Kelly
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
Leigh
Martin
Mauberrert
Munson
Ourso
Perkins
Rachal
Rayburn

Reeves
Riecke
Robinson
Roy
Sandoz
Shannon
Silverberg
Slay
Soniat
Stagg
Stephenson
Stovall
Sutherland
Tate
Taylor
Thistlethwaite
Thompson
Tobias
Toomy
Triche
Ullio
Velazquez
Vesich
Vick
Warren
Weiss
Willis
Wisham
Womack
Zervigon

NAYS

Delegates—

Asseff
Avant
Burson

Total—8.

Flory
Jenkins
Kilbourne

Lennox
Stinson

ABSENT

Delegates—

Aertker
Arnette
Badeaux
Brown
Cannon
Champagne
Conroy
De Blieux
Edwards
Fontenot
Guidry

Total—32.

LeBleu
LeBreton
Leithman
Lowe
McDaniel
Miller
Mire
Newton
Nunez
O'Neill
Perez

Planchar
Roemer
Schmitt
Segura
Singletary
Smith
Tapper
Toca
Wall
Winchester

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of Senate members shall not exceed forty-one and the number of House members shall not exceed one hundred and eleven.

Read.

Delegate Alario sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Alario and Toomy to Committee Proposal No. 3 by Delegate Blair, et als.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 28, immediately after the word "exceed" and before the words "and the" delete the word "forty-one" and insert in lieu thereof the word "thirty-nine"

AMENDMENT No. 2—

On page 2, line 29, immediately after the word "hundred"

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and before the period "." delete the words "and eleven" and insert in lieu thereof the word "five"

Delegate Alario moved the adoption of the amendments.

Delegate Casey objected.

By a vote of 53 yeas and 52 nays the amendments were adopted.

Delegate Alario moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias and Singletary to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 27, immediately after the word "law" change the comma "," to a period "." and delete the remainder of the line and delete lines 28 and 29 in their entirety.

Delegate Tobias moved the adoption of the amendment.

Motion

On motion of Delegate Shannon the previous question on the entire subject matter was ordered.

Delegate Tobias moved the adoption of the amendment.

Delegate Blair objected.

By a vote of 33 yeas and 79 nays the amendment was rejected.

Delegate Blair moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 3 was read as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	D Gerolamo	Jackson, A.
Abraham	Dennery	Jenkins
Alario	Dennis	Juneau
Anzalone	Derbes	Kelly
Armentor	Deshotels	Kilbourne
Asseff	Drew	Kilpatrick
Avant	Dunlap	Lambert
Bel	Elkins	Landrum
Bergeron	Fayard	Landry, E. J.
Blair	Flory	Leigh
Bollinger	Fontenot	Leithman
Brien	Fowler	Lennox
Burns	Fulco	McDaniel
Burson	Gauthier	Mauberrert
Carmouche	Giarrusso	Miller
Casey	Ginn	Mire
Champagne	Gravel	Munson
Chatelain	Grier	Newton
Chehardy	Hardee	Nunez
Conroy	Hayes	O'Neill
Corne	Heine	Perez
Cowen	Hernandez	Perkins
De Blieux	Jack	Planchard

Rachal	Soniat	Tobias
Rayburn	Stagg	Toomy
Reeves	Stephenson	Triche
Riecke	Stinson	Ullo
Robinson	Stovall	Vick
Roy	Sutherland	Warren
Sandoz	Tapper	Weiss
Schmitt	Tate	Willis
Shannon	Taylor	Winchester
Slay	Thistlethwaite	Wisham
Smith	Thompson	Zervigon
Total—102.		

NAYS

Delegates—		
Alexander	Haynes	Silverberg
Badeaux	Jackson, J.	Singletary
Conino	Landry, A.	Velazquez
Guarisco	Lanier	
Total—11.		

ABSENT

Delegates—		
Aertker	Kean	Roemer
Arnette	LeBleu	Segura
Brown	LeBreton	Toca
Cannon	Lowe	Vesich
Duval	Martin	Wall
Edwards	Ourso	Womack
Guidry		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

Section 4. (A) Every elector who at the time of the general election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives. Every elector who at the time of the general election shall have reached the age of twenty-one years shall be eligible to membership in the Senate.

(B) No person shall be eligible to membership in the legislature unless at the time of the general election he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election. However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election. The seat of any member who changes his domicile from the legislative district which he represents shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

(C) The members of the legislature shall be elected for terms of four years each.

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

(E) The members of the legislature shall be compensated by an annual salary which shall be fixed by a majority vote of the elected members of each house of the legislature. The amount fixed may be changed only by two-thirds of the elected members of each house of the legislature, to be effective at a term other than that for the members presently serving.

Read.

Delegate Taylor sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Taylor to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 4 immediately after the words "age of" and

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before the word "years" delete the word "twenty-one" and insert in lieu thereof the word "eighteen."

Delegate Taylor moved the adoption of the amendment.

Motion

Delegate Derbes moved the previous question on the amendment.

Delegate Fontenot objected.

By a vote of 30 yeas and 71 nays the Convention refused to order the previous question at this time.

Delegate Taylor moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Riecke
Alario	Gravel	Robinson
Alexander	Grier	Roemer
Anzalone	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Haynes	Schmitt
Bel	Heine	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burns	Kelly	Soniat
Burson	Kilpatrick	Stagg
Champagne	Lambert	Stephenson
Chehardy	Landrum	Stovall
Conino	Landry, A.	Sutherland
Conroy	Landry, E. J.	Tate
Cowen	Lanier	Taylor
D'Gerolamo	LeBleu	Thistlethwaite
Dennery	Mauberrret	Thompson
Dennis	Miller	Tobias
Derbes	Mire	Toomy
Drew	Newton	Triche
Dunlap	Nunez	Ullo
Duval	O'Neill	Velazquez
Flory	Perkins	Vick
Fontenot	Planchard	Warren
Fowler	Rachal	Willis
Fulco	Rayburn	Wisham
Giarrusso	Reeves	Zervigon
Total—90.		

NAYS

Delegates—		
Abraham	Deshotels	Leigh
Armentor	Elkins	Lennox
Asseff	Fayard	McDaniel
Casey	Guarisco	Perez
Chatelain	Hernandez	Weiss
Corne	Juneau	Winchester
De Blieux	Kilbourne	
Total—20.		

ABSENT

Delegates—		
Aertker	Kean	Segura
Arnette	LeBreton	Stinson
Brown	Leithman	Tapper
Cannon	Lowe	Toca
Carmouche	Martin	Vesich
Edwards	Munson	Wall
Gauthier	Ourso	Womack
Guidry		
Total—22.		

And the amendment was adopted.

Delegate Taylor moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Alexander in the Chair

Delegate A. Landry sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate A. Landry to Committee proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete line 32 in its entirety.

AMENDMENT No. 2—

On page 3, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. (A) Every elector shall be eligible to membership in the House of Representatives or the Senate."

Delegate A. Landry moved the adoption of the amendments.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Ourso
Alario	Ginn	Perez
Anzalone	Grier	Planchard
Avant	Guarisco	Rachal
Badeaux	Hardee	Rayburn
Bel	Hayes	Riecke
Bergeron	Heine	Robinson
Blair	Jackson, A.	Roemer
Bollinger	Jackson, J.	Sandoz
Burns	Jenkins	Schmitt
Burson	Kean	Silverberg
Champagne	Kelly	Slay
Chatelain	Kilbourne	Stagg
Chehardy	Kilpatrick	Stephenson
Conino	Lambert	Stinson
Conroy	Landrum	Sutherland
Cowen	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Taylor
De Blieux	Lanier	Thistlethwaite
Dennery	LeBleu	Toomy
Dennis	Leithman	Triche
Deshotels	Lennox	Ullo
Drew	Martin	Velazquez
Duval	Mauberrret	Weiss
Fayard	Mire	Willis
Fontenot	Nunez	Winchester
Fowler	O'Neill	Wisham
Fulco		
Total—82.		

NAYS

Delegates—		
Asseff	Hernandez	Shannon
Brien	Jack	Singletary
Casey	Juneau	Smith
Corne	Leigh	Soniat
Dunlap	McDaniel	Stovall
Elkins	Newton	Vick
Flory	Perkins	Warren
Gravel	Roy	Zervigon
Haynes		
Total—25.		

ABSENT

Delegates—		
Mr. Chairman	Arnette	Derbes
Aertker	Brown	Edwards
Alexander	Cannon	Gauthier
Armentor	Carmouche	Guidry

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LeBreton	Segura	Vesich
Lowe	Tapper	Wall
Miller	Thompson	Wornack
Munson	Tobias	
Reeves	Toca	
Total—25.		

And the amendments were adopted.

Delegate A. Landry moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

Delete Floor Amendment No. 1 proposed by Delegate Taylor and adopted by the convention on July 19, 1973 and

Floor Amendment No. 1 proposed by Delegate A. Landry and adopted by the Convention on July 19, 1973.

AMENDMENT No. 2—

On page 2, delete line 32 in its entirety and on page 3, delete lines 1 through 5 both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. (A) Every elector who at the time of election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives or the Senate."

Delegate Roy moved the adoption of the amendments.

Delegate Perez objected.

Adjournment

Delegate Dennery moved that the Convention do now adjourn until Friday, July 20, 1973 at 9:30 o'clock A.M.

Delegate Shannon objected.

By a vote of 71 yeas and 24 nays the Convention adjourned until Friday, July 20, 1973 at 9:30 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Friday, July 20, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

EIGHTEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, July 20, 1973, Baton Rouge, La.

The convention was called to order at 9:30 o'clock A. M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman—	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Armentor	Guarisco	Robinson
Arnette	Hardee	Roemer,
Asseff	Hayes	Roy
Avant	Haynes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Shannon
Bergeron	Jack	Silverberg
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay,
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Taylor
Conroy	Lanier	Thistlethwaite
Corne	LeBieu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Triche
Dennis	McDaniel	Ullo
Derbes	Martin	Velazquez
Deshotels	Mauberret	Vesich
Drew	Miller	Vick
Dunlap	Mire	Wall
Duval	Munson	Warren
Edwards	Newton	Weiss
Elkins	Nunez	Willis
Fayard	O'Neill	Winchester
Flory	Ourso	Wisham
Fontenot	Perez	Womack
Fowler		Zervigon
Total—128.		

ABSENT

Delegates—		
Cannon	Lowe	Segura
Guidry		
Total—4.		

The Chairman announced that there were 127 members
present and a quorum.

Prayer

Prayer was offered by Delegate Taylor.

Pledge of Allegiance

Delegate Carmouche led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Journal
was dispensed with

On motion of Delegate Abraham, the Journal of yesterday
was adopted.

Morning Hour

Motion

Delegate Fontenot moved that the Convention adopt a
work schedule of Wednesday through Friday and Saturday, if
necessary.

As a substitute, Delegate Weiss moved that the Convention
adopt a work schedule of Monday through Saturday.

Delegate Newton moved the previous question on the
substitute motion.

Delegate Jack objected.

By a vote of 57 yeas and 51 nays the previous question was
ordered.

By a vote of 99 yeas and 13 nays the Convention refused
to adopt a work schedule of Monday thru Friday.

Delegate Newton moved the previous question on the
original motion of Delegate Fontenot.

Delgate Rayburn objected.

By a vote of 58 yeas and 51 nays the previous question was
ordered on the original motion.

By a vote of 90 yeas and 24 nays the Convention adopted
a work schedule of Wednesday through Friday, and Saturday,
if necessary.

Delegate Fontenot moved to reconsider the vote by which
the motion was carried, and on his own motion, the motion
to reconsider was laid on the table.

Motion

Delegate Jack moved that the Convention convene at 9:00
o'clock A. M. Wednesday thru Friday and proceed with its
order of business until 5:00 o'clock P. M., further that the
Convention Committees meet at night.

As a substitute Delegate Rayburn moved that the Conven-
tion proceed to its Regular Order of Business at this time.

Delegate Jack objected.

The vote recurred on the substitute motion.

By a vote of 89 yeas and 10 nays the Convention proceeded
to its Regular Order of Business.

Reports of Committees

The following reports of committees were received and
read:

Mr. Tate, chairman, on behalf of the Committee on Style
and Drafting, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Style and Drafting
to submit the following report:

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COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Reported without amendments.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

Suspension of the Rules

On motion of Delegate Stagg the rules were suspended in order to take up Committee Proposal No. 4 contained in the Committee Report at this time.

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Reported without amendments by the Committee on Style and Drafting.

Ordered reengrossed and passed to its third reading.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention, relative to limits on debate.

Read.

Under the Rules, referred to the Committee on Rules, Credentials & Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 13—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for the selection of jurors and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on the Judiciary.

DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights & Elections.

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Constitutional Convention to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 8 by Delegate Stovall, et al.

Amend printed resolution as follows:

AMENDMENT No. 1—

On page 1, line 19, after the word "of" delete the words "a majority of" and of line 20, at the beginning of the line delete the words "the members of the committee." and insert in lieu thereof the following:
"those delegates voting for each such proposal, which in each case shall be at least a majority of the members of the committee."

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 9 by Delegate Stovall, et al.

Amend printed resolution as follows:

AMENDMENT No. 1—

On page 1, line 23, immediately after "Rule No." delete the figure "90" and insert in lieu thereof the figure "91"

AMENDMENT No. 2—

On page 1, strike out line 25 in its entirety and insert in lieu thereof the following:

"Rule 91. Duplication and Distribution of Materials. A. Only"

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AMENDMENT No. 3—

On page 1, delete lines 29 through 31, both inclusive, in their entirety and at the beginning of line 32 delete "tion of the material."

AMENDMENT No. 4—

On page 2, line 6, add the following paragraph:

"B. All materials which are placed on the desks of convention delegates must bear the name of the person or persons or the organization or organizations responsible for the preparation and distribution of the material."

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, T. Casey and Kelly:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Reported favorably by the Committee on Rules, Credentials and Ethics.

Ordered engrossed and passed to its third reading.

UNFINISHED BUSINESS

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

Section 4. (A) Every elector who at the time of the general election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives. Every elector who at the time of the general election shall have reached the age of twenty-one years shall be eligible to membership in the Senate.

(B) No person shall be eligible to membership in the legislature unless at the time of the general election he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding his election. However, at the next regular election for members of the legislature following the reapportionment of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election. The seat of any member who changes his domicile from the legislative district which he represents shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

(C) The members of the legislature shall be elected for terms of four years each.

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

(E) The members of the legislature shall be compensated by an annual salary which shall be fixed by a majority vote of the elected members of each house of the legislature. The amount fixed may be changed only by two-thirds of the elected members of each house of the legislature, to be effective at a term other than that for the members presently serving.

Read.

And the Chair announced that the following amendment under consideration upon adjournment was before the Convention.

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

Delete Amendment No. 1 proposed by Delegate Taylor and adopted by the Convention on July 19, 1973.

AMENDMENT No. 2—

On page 2, delete line 32 in its entirety and on page 3, delete lines 1 through 5 both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. (A) Every elector who at the time of election shall have reached the age of eighteen years shall be eligible to membership in the House of Representatives or the Senate."

On motion of Delegate Roy the amendments were withdrawn.

Delegate Taylor sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Taylor, Landry, Roy, Lanier, Fulco, Bollinger, Burns, Dennery, Tobias, Avant, Chehardy, D'Gerolamo, Toca, Alario, Alexander and Warren to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

Delete Amendment No. 1 proposed by Delegate Taylor and adopted by the convention on July 19, 1973.

AMENDMENT No. 2—

On page 2, delete line 32 in its entirety and on page 3, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. (A) Every person, who is an elector and has reached the age of eighteen years at the time of qualifications for the office, shall be eligible for membership in the legislature.

AMENDMENT No. 3—

Delete Amendments No. 1 and 2 proposed by Delegate Landry and adopted by the convention on July 19, 1973.

On motion of Delegate Roy the amendments were adopted.

Delegate Roy moved to reconsider the motion by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, after the partial word "tion" at the begin-

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ning of line 18, strike out the period "." and before the word "The" insert the following:
"and if he was a resident of the state for at least two years immediately preceding his election."

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 10, at the beginning of the line after the word "election" insert a period "." and delete the remainder of the line.

AMENDMENT No. 2—

On page 3, delete 11 through 17, both inclusive, in their entirety.

AMENDMENT No. 3—

On page 3, line 18, at the beginning of the line before the word "The" delete the word "tion" and delete the period "."

AMENDMENT No. 4—

Strike out Floor Amendment No. 1 proposed by Delegate Casey and adopted by the Convention on July 20, 1973.

Delegate Abraham moved the adoption of the amendments.

Delegate De Blieux objected.

Motion

Delegate Fontenot moved the previous question on the amendments.

Delegate De Blieux objected.

By a vote of 52 yeas and 55 nays the Convention refused to order the previous question at this time.

On motion of Delegate Abraham a division of the question was ordered.

Delegate Abraham moved the adoption of the Amendment No. 1.

Delegate De Blieux objected.

By a vote of 4 yeas and 104 nays the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham moved the adoption of Amendment Nos. 2, 3 and 4.

Delegate De Blieux objected.

By a vote of 29 yeas and 82 nays the amendments were rejected.

Delegate Burns moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"However, following reapportionment, at the next regular election for members of the legislature a candidate shall run from the district in which he is domiciled."

AMENDMENT No. 2—

On page 3, line 18, at the beginning of the line, delete the word "tion" and the period "."

On motion of Delegate Drew the amendments were withdrawn from the files of the Convention.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"However, following reapportionment, at the next regular election for members of the legislature a candidate shall run from the district in which he is domiciled if he was a resident of the state for at least two years immediately preceding his election."

AMENDMENT No. 2—

On page 3, line 18, at the beginning of the line, delete the word "tion" and the period "."

AMENDMENT No. 3—

Strike out Floor Amendment No. 1 proposed by Delegate Casey and adopted by Convention on July 20, 1973.

Delegate Drew moved the adoption of the amendments.

Delegate Fontenot objected.

By a vote of 46 yeas and 63 nays the amendments were rejected.

Delegate Rachal moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and on line 18 delete "tion." and insert in lieu thereof the following:

"However, at the first general election for members of the legislature following the reapportionment of the legislature, any person may qualify for election to either house of the legislature from the district in which such person is then domiciled, if he was domiciled in the prior district for at least one year immediately preceding his qualification."

On motion of Delegate J. Jackson the amendment was withdrawn.

Delegate Miller in the Chair

Delegate Lennox sent up floor amendments, which were read as follows:

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FLOOR AMENDMENTS

Amendments proposed by Delegate Lennox to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 8, at the end of the line after the word "and" delete the word "actually"

AMENDMENT No. 2—

On page 3, line 9, at the beginning of the line before the words "the legislative" delete the words "domiciled within"

AMENDMENT No. 3—

On page 3, line 16, immediately after the word "person" and before the comma "," delete the word "domiciled" and insert in lieu thereof the word "resided"

AMENDMENT No. 4—

On page 3, line 16, immediately after the words "if he" and before the words "in that" delete the words "was domiciled" and insert in lieu thereof the words "had resided"

AMENDMENT No. 5—

On page 3, line 18, at the end of the line, after the word "his" delete the word "domiciled" and insert in lieu thereof the word "residence"

AMENDMENT No. 6—

On page 3, line 20, at the end of the line after the words "retention of" delete the word "domiciled" and insert in lieu thereof the word "residence"

Delegate Lennox moved the adoption of the amendments.

Delegate Juneau objected.

By a vote of 20 yeas and 79 nays the amendments were rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 7, after the words "the time of" and before the words "he shall" delete the words "the general election" and insert in lieu thereof the words "qualification for the office"

Delegate Dennery moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 66 yeas and 26 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 3 by Delegate Blair.

Amend Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 11, immediately after the word "preced-

ing" strike out "the general election" and insert in lieu thereof "qualification for office."

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Warren sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Warren to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 11 through 17, both inclusive, in their entirety and at the beginning of line 18 delete the word "tion."

AMENDMENT No. 2—

Strike out Convention Floor Amendment No. 1 proposed by Delegate Casey and adopted by the Convention July 20, 1973.

Delegate Warren moved the adoption of the amendments.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Haynes	Soniat
Alexander	Jackson, J.	Stagg
Armentor	Kelly	Stinson
Bergeron	Kilbourne	Sutherland
Carmouche	Landrum	Taylor
Dennery	Leigh	Toomy
Derbes	Perkins	Ullo
Drew	Rachal	Velazquez
Dunlap	Riecke	Warren
Elkins	Sandoz	Willis
Grier	Schmitt	Wisham
	Smith	

Total—34.

NAYS

Delegates—		
Anzalone	Gauthier	Newton
Asseff	Giarrusso	Nunez
Avant	Ginn	O'Neill
Badeaux	Gravel	Ourso
Bel	Guarisco	Perez
Blair	Hardee	Planchard
Bollinger	Hayes	Rayburn
Brien	Heine	Roemer
Burns	Hernandez	Roy
Burson	Jack	Shannon
Casey	Jenkins	Silverberg
Champagne	Juneau	Singletary
Chatelain	Kean	Slay
Chehardy	Lambert	Stephenson
Conroy	Landry, A.	Stovall
Corne	Landry, E. J.	Tapper
Cowen	Lanier	Tate
D'Gerolamo	LeBreton	Thistlethwaite
De Blieux	Leigh	Tobias
Deshotels	Lennox	Vesich
Edwards	McDaniel	Vick
Fayard	Martin	Weiss
Flory	Mauberret	Winchester
Fontenot	Mire	Zervigon
Fulco	Munson	

Total—73.

ABSENT

Delegates—		
Mr. Chairman	Alario	Brown
Aertker	Arnette	Cannon

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Conino	LeBleu	Thompson
Dennis	Leithman	Toca
Duval	Lowe	Triche
Fowler	Miller	Wall
Guidry	Reeves	Womack
Jackson, A.	Robinson	
Kilpatrick	Segura	
Total—25.		

And the amendments were rejected.

Delegate De Blieux moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Rayburn moved for a suspension of the rules in order to limit debate on the amendments to five minutes on today and the following two working days.

Delegate Jenkins objected.

By a vote of 76 yeas and 28 nays the rules were suspended.

Delegate Rayburn moved that debate be limited to five minutes on Saturday and the next two working days, on amendments.

Delegate Jenkins objected.

By a vote of 82 yeas and 26 nays the Convention limited debate to five minutes on amendments for Saturday and the next two working days on amendments.

Delegate Rayburn moved to reconsider the motion by which the amendment was carried, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Anzalone to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 18, immediately after "tion" and after the language added thereafter by Floor Amendment No. 1 proposed by Delegate Casey and adopted by the Convention on July 20, 1973. Delete the remainder of the line and delete lines 19, 20, and 21 in their entirety and insert in lieu thereof the following:

"The seat of any member who changes his domicile from the legislative district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding."

Delegate Anzalone moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 76 yeas and 28 nays the amendment was adopted.

Delegate Anzalone moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 3 by Delegate Blair.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 23, after the period "." add the following: "The term of office of each legislator shall begin at 10:00 a.m. on the second Monday in March next following the election."

Delegate Abraham moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 37 yeas and 63 nays the amendment was rejected.

Delegate Bollinger moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Fayard sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fayard to Committee Proposal No. 3 by Delegate Blair, et al.

Amendment reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 27 through 32, both inclusive, in their entirety, and on page 4, delete line 1 in its entirety and insert in lieu thereof the following:

"(E) Each member of the legislature shall be paid an annual salary, which shall be fixed, initially, by a favorable vote of a majority of the members elected to each house. Thereafter, the salary may be changed by a favorable vote of two-thirds of the members elected to each house, the change to be effective only at the beginning of the next succeeding term for which members of the legislature are elected."

Delegate Fayard moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 44 yeas and 56 nays the amendment was rejected.

Delegate Bollinger moved to reconsider the vote by which the amendments was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Asseff to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3 strike out lines 27 through 32 in their entirety and on page 4 strike out line 1 in its entirety.

Delegate Asseff moved the adoption of the amendment.

Delegate Fulco objected.

By a vote of 82 yeas and 15 nays the amendment was adopted.

Delegate Asseff moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Chatelain moved the previous question on the entire subject matter.

Delegate Juneau objected.

By a vote of 72 yeas and 22 nays the previous question was ordered on the entire subject matter.

Committee Proposal No. 3, Section 4, was read, as amended.

Delegate Juneau moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Mr. Chairman	Fowler
Abraham	Fulco
Alario	Giarrusso
Anzalone	Ginn
Asseff	Gravel
Avant	Grier
Badeaux	Guarisco
Bel	Hardee
Bergeron	Heine
Blair	Hernandez
Bollinger	Jack
Brien	Jenkins
Burns	Juneau
Burson	Kean
Carmouche	Kelly
Casey	Kilbourne
Champagne	Lambert
Chatelain	Landry, A.
Conroy	Landry, E. J.
Corne	Lanier
Cowen	LeBieu
De Blieux	LeBreton
Dennery	Leigh
Derbes	Leithman
Deshotels	Lennox
Drew	McDaniel
Dunlap	Martin
Duval	Mauberret
Edwards	Miller
Elkins	Mire
Fayard	Munson
Flory	Newton
Fontenot	Nunez
Total—98.	

NAYS

Delegates—

Toomy	Warren
Total—2.	

ABSENT

Delegates—

Aertker	Guidry	Segura
Alexander	Hayes	Soniat
Armentor	Haynes	Tapper
Arnette	Jackson, A.	Taylor
Brown	Jackson, J.	Toca
Cannon	Kilpatrick	Velazquez
Chehardy	Landrum	Vesich
Conino	Lowe	Wall
D'Gerolamo	Perez	Wisham
Dennis	Rachal	Womack
Gauthier	Roemer	
Total—32.		

And the Chair declared that the above Section was passed.

Delegate Juneau moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Legislative Apportionment; Judicial Review; Apportionment by Supreme Court

Section 5. (A) Not later than the end of the first year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall apportion the representation in each house on the basis of the total state population as shown by the census. Within ten days after the legislature adopts an apportionment plan the presiding officers of the two houses shall submit the plan to the supreme court for review.

(B) If the legislature fails to apportion itself, the supreme court, upon petition therefor, by the attorney general within ten days after the close of the year above specified shall apportion each house thereof as provided in Paragraph (A) of this Section.

(C) The procedure for review and petition shall be provided by law.

Read.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 8, immediately after the word "house" and before the word "on", insert the words "as equally as practicable"

Delegate Dennery moved the adoption of the amendment.

Delegate Thompson objected.

By a vote of 83 yeas and 10 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Fontenot moved to revert to other orders of business at this time.

Delegate Jack objected.

By a vote of 6 yeas and 81 nays the Convention refused to revert to other orders of business at this time.

Delegate J. Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 11 after the words "plan to the" delete the word "supreme" and delete line 12 in its entirety and insert in lieu thereof the words "Louisiana Supreme Court for review."

Delegate LeBreton moved the adoption of the amendment.

Delegate O'Neill objected.

By a vote of 28 yeas and 61 nays the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions, Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

Read.

Lies over under the rules.

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DELEGATE RESOLUTION No. 32—

Introduced by Delegates Gravel, Lanier, Jack and Newton:

A RESOLUTION

To amend and readopt Rule No. 46 of the Standing Rules of the Constitutional Convention to provide that floor amendments be distributed one calendar day before introduction.

Read.

Lies over under the rules.

Motion

On motion of Delegate O'Neill, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 15—

Introduced by Delegate Avant:

A PROPOSAL

To provide for making appeals from the Public Service Commission.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Plan-chard:

A PROPOSAL

Making provisions for homestead exemptions.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on Judiciary, sent up the following notice:

The Committee on Judiciary will meet on Wednesday, July 25, 1973, after adjournment in Committee Room 1, State Capitol and will consider the following agenda:

AGENDA

Public hearing on Committee Proposal No. 6.

Respectfully submitted,

JAMES DENNIS,
Chairman of the Committee on
The Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Wednesday, July 25, at adjournment in the Senate Lounge and will consider the following agenda:

AGENDA

The Resolutions which have been referred to the Committee.

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegates Lambert and Stagg, Chairmen of the Committees on Natural Resources and Executive Department, sent up the following notice:

The Committees on Natural Resources and the Executive Department will meet on Thursday, July 26, and Friday, July 17, 1973, at 9:00 o'clock in Committee Rm. 1 and will consider the following agenda:

AGENDA

Public Service Commission provisions to be considered by a joint committee hearing of the two full committees.

Respectfully submitted,

LOUIS JOSEPH LAMBERT, JR.,
TOM STAGG,
Chairman of the Committees on
Natural Resources, and Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, July 26, 1973, at 9:00 A.M. o'clock in Committee Room 5, State Capitol and will consider the following agenda:

AGENDA

Consideration of Committee Proposal No. 11.

Retirement and survivor's benefits

Hearing on Education.

Consideration of Delegate Proposals Nos. 8, 9 and 10

Consideration of Committee Proposal No. 7.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate LeBreton, chairman of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures has requested a meeting with the Coordinating Committee and have been advised by its Chairman, Mr. Henry, that they will meet on Thursday, July 26, 1973, at

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11:00 A.M. o'clock in Committee Room 9 and will consider the following agenda:

AGENDA

To have the Legislative Liaison and Transitional Measures present to the Coordinating Committee a plan for transitional measures to be applied to the eight substantive committees with the idea that the Coordinating Committee will advise the Legislative Liaison and Transitional Measures Committee.

Respectfully submitted,

EDWARD F. LeBRETON,
Chairman of the Committee on
Legislative Liaison and
Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Dunlap, vice-chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, July 26, at 9:00 o'clock a.m. in Committee Rm. 1 and will consider the following agenda:

AGENDA

To continue consideration of the election article.

Respectfully submitted,

JUDY DUNLAP,
Vice-chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Friday July 27, at 9:00 o'clock in Committee Rm. 10 and will consider the following agenda:

AGENDA

To consider matters relating to the Convention Public Information Program.

Respectfully submitted,

PAT JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Thompson moved that the Convention do now adjourn until Wednesday, July 25, 1973 at 9:30 o'clock A.M.

As a substitute Delegate Fontenot moved that the Convention do now adjourn until Saturday, July 21, 1973, at 9:30 A.M.

The vote recurred on the motion for adjournment to the longest period.

By a vote of 48 yeas and 42 nays the Convention adjourned until Wednesday, July 25, 1973 at 9:30 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Wednesday, July 25, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
**CONSTITUTIONAL CONVENTION
OF 1973**

OF THE
STATE OF LOUISIANA

NINETEENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, July 25, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Guarisco	Robinson
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Badeaux	Haynes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Blair	Jack	Shannon
Bollinger	Jackson, A.	Silverberg
Brien	Jackson, J.	Singletary
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Taylor
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBieu	Tobias
De Blieux	LeBreton	Toca
Dennery	Leithman	Toomy
Dennis	Lennox	Triche
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Edwards	Munson	Weiss
Elkins	Newton	Willis
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ourso	Zervigon
Fowler	Perez	
Total—122.		

ABSENT

Delegates—		
Armentor	Leigh	Ullo
Brown	Lowe	Winchester
Cannon	Slay	
Guidry	Stovall	
Total—10.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate A. Jackson.

Pledge of Allegiance

Delegate Sandoz led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal was
dispensed with.

On motion of Delegate Roy, the Journal of yesterday was
adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications
were received and read:

To my fellow delegates and our staff, all of whom I con-
sider to be my personal friends and co-workers in this most
noble endeavor. My family and I wish to thank you for
the many kindnesses, flowers, prayers, and gracious notes in
the days following my heart attack July 6.

My present schedule calls for very restricted activities. I
have insisted that my reading of the proceedings of the
Convention be granted me and that I be allowed to express
my views by correspondence. I hope to return to our body
as soon as my God and my physician will allow. Although I
may be absent from the session, rest assured that my ideas
will be presented through associates and I shall participate
as much as possible.

Thank you again for your prayers and kindness.

HARVEY W. CANNON, JR.

Supreme Court
STATE OF LOUISIANA
New Orleans

July 23, 1973

Justice Albert Tate
New Orleans, La.

Dear Justice Tate:

I have been advised that the Constitutional Convention is
considering a proposal, whereby the legislature will reap-
portion itself periodically, but if it fails to do so that the
State Supreme Court will have the duty to reapportion on
the petition of the Attorney General.

I am opposed to such a provision for at least two reasons:

(1) It violates, at least in spirit, the separation of powers
between the legislative and judicial branches.

(2) It places upon this court the administrative or politi-
cal duty of reapportionment, in a proceeding outside the
form of a law suit between competing parties.

I trust that you will give this matter earnest consideration
and, if you think it advisable, you may acquaint the mem-
bers of the convention with my views on the matter.

Sincerely,

JOE W. SANDERS
Chief Justice

JWS/ph

Reports of Committees

The following reports of committees were received and
read:

Mr. Robert Aertker, chairman, on behalf of the Committee
on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

July 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Conven-
tion:

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I am directed by your Committee on Education and Welfare to submit the following report:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

Reported Favorably.

COMMITTEE PROPOSAL No. 13—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for the settlement of disagreements through arbitration.

By Substitute.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

Reported Favorably.

Respectfully submitted,

ROBERT AERTKER,
Chairman.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 32—

Introduced by Delegates Gravel, Lanier, Jack and Newton:

A RESOLUTION

To amend and readopt Rule No. 46 of the Standing Rules of the Constitutional Convention to provide that floor amendments be distributed one calendar day before introduction.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates, Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Under the rules the above Proposal was referred to the Committee on Local and Parochial Government.

DELEGATE PROPOSAL No. 15—

Introduced by Delegate Avant:

A PROPOSAL

To provide for making appeals from the Public Service Commission.

Read.

Under the rules the above Proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 16—

Introduced by Delegates Alario, Chehardy, Edwards, Mire, Rayburn, Nunez, Winchester, Mauberret, Slay and Planchard:

A PROPOSAL

Making provisions for homestead exemptions.

Read.

Under the rules the above Proposal was referred to the Committee on Revenue, Finance and Taxation.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 5. Legislative Apportionment; Judicial Review; Apportionment by Supreme Court

Section 5. (A) Not later than the end of the first year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall apportion the representation in each house on the basis of the total state population as shown by the census. Within ten days after the legislature adopts an apportionment plan the presiding officers of the two houses shall submit the plan to the supreme court for review.

(B) If the legislature fails to apportion itself, the supreme court, upon petition therefor, by the attorney general within ten days after the close of the year above specified shall apportion each house thereof as provided in Paragraph (A) of this Section.

(C) The procedure for review and petition shall be provided by law.

Read.

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Lanier, Kean, Duval, D'Gerolamo, Landry, Silverberg, Gravel, Fulco, Bollinger, Schmitt, Conino, Ullo, Chehardy, Alario, Guarisco and Zervigon to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 9, after the word "census," delete the remainder of line 9 and delete lines 10 through 12, both inclusive, in their entirety

AMENDMENT No. 2—

On page 4, line 18, after the words "procedure for" and before the word "petition" delete the words "review and"

AMENDMENT No. 3—

On page 4, at the end of line 13, delete the words "the supreme" and at the beginning of line 14, delete "court," and insert in lieu thereof the following:
"the Louisiana Supreme Court,"

Delegate Duval moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 75 yeas and 6 nays the amendments were adopted.

Delegate Duval moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 3 by Delegate Blair:

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 13 and 14 in their entirety and insert in lieu thereof the following:

"(B) If the legislature fails to apportion itself, the Louisiana Supreme Court, upon petition therefor, by the attorney general or a qualified elector, within"

Delegate J. Jackson moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 40 yeas and 41 nays the amendment was rejected.

Delegate Munson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 13 through 17, both inclusive, in their entirety, and insert in lieu thereof the following:

"(B) If the legislature fails to apportion itself as required

in Paragraph (A) of this Section, the supreme court, upon petition by any elector, shall apportion each house as provided in Paragraph (A) of this Section."

Delegate Avant moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 47 yeas and 37 nays the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Asseff to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, strike out lines 2 through 19 in their entirety and insert in lieu thereof the following:

"Section 5. Legislative Apportionment; Legislative Apportionment Board

Section 5. (A) Not later than the end of the first year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall apportion the representation in each house on the basis of total state population as shown by the federal census. No special census of the state or of any part thereof may be used. The legislature shall submit any apportionment plan adopted by it to the State Apportionment Board hereinafter created for review and approval.

(B) In the event that the legislature fails to apportion itself as provided in Paragraph A of this Section, the State Legislative Apportionment Board automatically shall apportion each house.

(C) The State Legislative Apportionment Board shall consist of seven members to be appointed as follows: one member to be appointed by the presidents of Tulane University of Louisiana and Loyola University of the South acting jointly; one member to be appointed by the presidents of Dillard University and Xavier University of Louisiana acting jointly; one member to be appointed by the presidents of Centenary College and Louisiana College acting jointly; one member appointed by a majority of the elected members of the House of representatives; one member appointed by a majority of the elected members of the senate; one member appointed by the entire membership of the Louisiana Supreme Court; and the secretary of state, ex officio.

Delegate Asseff moved the adoption of the amendment.

Delegate O'Neill objected.

By a vote of 14 yeas and 68 nays the amendment was rejected.

Delegate Duval moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 9, after the period "." delete the remainder of the line and delete lines 10 through 19 in their entirety.

AMENDMENT No. 2—

Strike out Floor Amendments Nos. 1 through 3 proposed by Delegate Lanier and adopted by the Convention on July 25, 1973.

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AMENDMENT No. 3—

Strike out Floor Amendment No. 1 proposed by Delegate Avant and adopted by the Convention on July 25, 1973.

Delegate Gravel moved the adoption of the amendments.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Kilpatrick	Roemer
Alario	Lambert	Roy
Asseff	Landry, A.	Shannon
Brien	Lanier	Silverberg
Chatelain	LeBleu	Smith
D'Gerolamo	Leithman	Stagg
Drew	Lennox	Taylor
Dunlap	Munson	Tobias
Fulco	Newton	Toca
Ginn	Nunez	Vick
Gravel	Perez	Warren
Guarisco	Planchard	Willis
Hernandez	Rayburn	Womack
Jack	Reeves	
Total—41.		

NAYS

Delegates—		
Abraham	Denney	Landry, E. J.
Aertker	Dennis	McDaniel
Anzalone	Derbes	Martin
Arnette	Deshotels	Mauberrret
Avant	Duval	Miller
Badeaux	Fayard	Mire
Bel	Flory	O'Neill
Bergeron	Fontenot	Ourso
Blair	Fowler	Robinson
Bollinger	Gauthier	Sandoz
Burns	Giarrusso	Schmitt
Carmouche	Grier	Stinson
Casey	Hardee	Sutherland
Champagne	Heine	Thistlethwaite
Conino	Jenkins	Thompson
Conroy	Juneau	Toomy
Corne	Kean	Triche
Cowen	Kelly	Weiss
De Blieux	Kilbourne	Zervigon
Total—57.		

ABSENT

Delegates—		
Alexander	Jackson, A.	Stephenson
Armentor	Landrum	Stovall
Brown	LeBreton	Tapper
Burson	Leigh	Tate
Cannon	Lowe	Ullo
Chehardy	Perkins	Velazquez
Edwards	Rachal	Vesich
Elkins	Riecke	Wall
Guidry	Segura	Winchester
Hayes	Singletary	Wisham
Haynes	Slay	
Jackson, J.	Soniat	
Total—34.		

And the amendments were rejected.

Delegate De Blieux moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 13 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) The supreme court shall review the apportionment plan and, in accordance with its rules, shall permit adversary interests to present their views and, within thirty days from the filing of the review, shall enter its judgment. A judgment of the supreme court of the state determining the apportionment to be valid shall be binding upon all the citizens of the state. Should the supreme court determine that the apportionment made by the legislature is invalid, the court shall, not later than sixty days after receiving the plan, file with the secretary of state an order making such apportionment."

On motion of Delegate Derbes the amendment was withdrawn from the files of the Convention.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 18 and 19 in their entirety including Amendment No. 2, proposed by Delegate Lanier, et al. and adopted by the Convention on July 25, 1973.

AMENDMENT No. 2—

On page 4, line 18, add the following:

"(C) The procedure for review and petition shall be provided by law."

Delegate De Blieux moved the adoption of the amendments.

Delegate A. Landry objected.

By a vote of 53 yeas and 24 nays the amendments were adopted.

Delegate De Blieux moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Newton moved that final action be postponed on Committee Proposal No. 3, Section 5 at this time.

Delegate Shannon moved the previous question on the entire subject matter.

By a vote of 46 yeas and 45 nays the Convention ordered the previous question on the entire subject matter.

The vote recurred on the original motion of Delegate Newton to postpone action on Section 5.

By a vote of 32 yeas and 66 nays the Convention refused to postpone final action on Committee Proposal No. 3, Section 5, at this time.

The vote then recurred on the adoption of Committee Proposal No. 3, Section 5.

Committee Proposal No. 3, Section 5, was read, as amended.

Delegate O'Neill moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Aertker	Anzalone
Abraham	Alario	Arnette

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Avant	Gauthier	Perez
Badeaux	Giarrusso	Planchard
Bel	Ginn	Rayburn
Bergeron	Grier	Reeves
Blair	Hardee	Robinson
Burns	Heine	Sandoz
Carmouche	Hernandez	Schmitt
Casey	Jack	Shannon
Champagne	Jackson, J.	Silverberg
Chatelain	Jenkins	Smith
Conino	Juneau	Stagg
Conroy	Kelly	Stinson
Cowen	Kilbourne	Sutherland
D'Gerolamo	Kilpatrick	Taylor
De Blieux	Landry, A.	Thistlethwaite
Dennery	Landry, E. J.	Thompson
Dennis	Leithman	Tobias
Derbes	Lennox	Toca
Deshotels	McDaniel	Toomy
Dunlap	Martin	Triche
Edwards	Mauberret	Vick
Fayard	Mire	Weiss
Flory	Munson	Womack
Fontenot	Nunez	Zervigon
Fowler	O'Neill	
Fulco	Ourso	

Total—82.

NAYS

Delegates—		
Asseff	Gravel	Newton
Bollinger	Guarisco	Roy
Brien	Kean	Singletary
Drew	Lanier	Willis

Total—12.

ABSENT

Delegates—		
Alexander	Lambert	Soniati
Armentor	Landrum	Stephenson
Brown	LeBleu	Stovall
Burson	LeBreton	Tapper
Cannon	Leigh	Tate
Chehardy	Lowe	Ullo
Corne	Miller	Velazquez
Duval	Perkins	Vesich
Elkins	Rachal	Wall
Guidry	Riecke	Warren
Hayes	Roemer	Winchester
Haynes	Segura	Wisham
Jackson, A.	Slay	

Total—38.

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and on his own motion, the motion to reconsider was laid on the table.

Section 6. Judging Qualifications and Election; Procedural Rules; Discipline; Officers

Section 6. (A) Each house shall be the judge of the qualifications and elections of its own members, determine the rules of its procedure, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expulsion shall create a vacancy in the office.

(B) Each house shall have power to compel the attendance and testimony of witnesses and the production of books and papers before such house as a whole, before any committee thereof, or before joint committees of the houses and shall have the power to punish for contempt those in willful disobedience of its orders.

(C) Each house shall choose its own officers, including a permanent presiding officer selected from its membership, who shall be designated in the Senate as the president of the Senate and in the House as the speaker of the House of Representatives. The clerical officers of the two houses shall be the clerk of the House of Representatives and the

secretary of the Senate, each of whom shall have the power to administer oaths.

Read.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant and Guarisco to Committee Proposal No. 3 by Delegate Blair et al.

Ament reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 25, immediately after the word "contempt" insert a period "." and delete the remainder of the line and delete lines 26 and 27 in their entirety

Delegate Guarisco moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 30 yeas and 60 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1 —

On page 4, line 24, after the comma ",", following the word "procedure" and before the word "and" insert the following: "not inconsistent with the provisions of this constitution,"

Delegate Casey moved the adoption of the amendment.

Delegate Dennery objected.

By a vote of 76 yeas and 13 nays the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tobias to Committee Proposal No. 3 by Delegates Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 32, immediately after the word "punish" and before the word "for" insert the words "by imprisonment"

AMENDMENT No. 2—

On page 5, line 1, at the end of the line, change the period "." to a comma "," and add the following: "but such imprisonment shall not exceed ten days for each offense."

Delegate Tobias moved the adoption of the amendments.

Delegate Blair objected.

By a vote of 15 yeas and 77 nays the amendments were rejected.

Delegate Casey moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

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Committee Proposal No. 3, Section 6, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Planchard
Abraham	Fayard	Rachal
Alario	Fontenot	Rayburn
Anzalone	Fowler	Riecke
Avant	Fulco	Robinson
Badeaux	Gauthier	Sandoz
Bel	Giarrusso	Schmitt
Bergeron	Ginn	Shannon
Blair	Grier	Singletary
Brien	Guarisco	Smith
Burns	Hardee	Soniat
Burson	Hayes	Stagg
Carmouche	Heine	Stephenson
Casey	Jack	Stinson
Champagne	Jackson, A.	Sutherland
Chatelain	Kilbourne	Tate
Chehardy	Lambert	Taylor
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lennox	Toomy
De Blieux	McDaniel	Velazquez
Dennery	Mauberret	Vick
Dennis	Mire	Weiss
Derbes	Munson	Willis
Deshotels	Newton	Wisham
Drew	Nunez	Womack
Dunlap	O'Neill	Zervigon
Duval	Perez	
Edwards	Perkins	
Total—91.		

NAYS

Delegates—		
Asseff	Jenkins	Kelly
Flory		
Total—4.		

ABSENT

Delegates—		
Aertker	Kean	Segura
Alexander	Kilpatrick	Silverberg
Armentor	Landrum	Slay
Arnette	Landry, A.	Stovall
Bollinger	LeBreton	Tapper
Brown	Leigh	Triche
Cannon	Lowe	Ullo
Gravel	Martin	Vesich
Guidry	Miller	Wall
Haynes	Ourso	Warren
Hernandez	Reeves	Winchester
Jackson, J.	Roemer	
Juneau	Roy	
Total—37.		

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion was laid on the table.

Section 7. Privileges and Immunities

Section 7. The members of the legislature shall in all cases, except felony, be privileged from arrest during their attendance at the sessions and committee meetings of their respective houses and in going to and returning from the same. No member shall be questioned in any place for any speech or debate in either house.

Read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	O'Neill
Abraham	Flory	Perkins
Alario	Fontenot	Robinson
Anzalone	Fulco	Sandoz
Arnette	Gauthier	Schmitt
Badeaux	Ginn	Shannon
Bel	Grier	Singletary
Blair	Guarisco	Smith
Burns	Hayes	Soniat
Burson	Heine	Stagg
Carmouche	Jack	Stephenson
Casey	Jackson, A.	Tate
Chehardy	Juneau	Taylor
Conino	Lambert	Thistlethwaite
Cowen	Landry, E. J.	Thompson
D'Gerolamo	Lanier	Toca
De Blieux	Leithman	Toomy
Derbes	McDaniel	Triche
Deshotels	Mire	Vick
Dunlap	Munson	Warren
Duval	Newton	Womack
Edwards	Nunez	Zervigon
Elkins		
Total—67.		

NAYS

Delegates—		
Asseff	Fowler	Rayburn
Avant	Giarrusso	Riecke
Bergeron	Hardee	Stinson
Brien	Jenkins	Sutherland
Champagne	Kelly	Tobias
Chatelain	Kilbourne	Velazquez
Conroy	LeBleu	Willis
Corne	Lennox	Wisham
Dennery	Rachal	
Total—26.		

ABSENT

Delegates—		
Aertker	Kean	Reeves
Alexander	Kilpatrick	Roemer
Armentor	Landrum	Roy
Bollinger	Landry, A.	Segura
Brown	LeBreton	Silverberg
Cannon	Leigh	Slay
Dennis	Lowe	Stovall
Drew	Martin	Tapper
Gravel	Mauberret	Ullo
Guidry	Miller	Vesich
Haynes	Ourso	Wall
Hernandez	Perez	Weiss
Jackson, J.	Planchard	Winchester
Total—39.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 8. Conflict of Interest

Section 8. Legislative office is a public trust and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.

Read.

Delegate Juneau moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Avant	Bollinger
Abraham	Badeaux	Brien
Alario	Bel	Burns
Anzalone	Bergeron	Burson
Arnette	Blair	Carmouche

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Casey	Jack	Sandoz
Chatelain	Jackson, A.	Schmitt
Conino	Jackson, J.	Shannon
Corne	Jenkins	Singletary
Cowen	Juneau	Smith
D'Gerolamo	Kelly	Soniat
De Blieux	Kilbourne	Stagg
Dennery	Lambert	Stephenson
Dennis	Landry, E. J.	Stinson
Derbes	LeBleu	Sutherland
Deshotels	Leithman	Tate
Dunlap	Lennox	Taylor
Edwards	McDaniel	Thistlethwaite
Elkins	Mauberret	Thompson
Fayard	Mire	Tobias
Flory	Munson	Toca
Fontenot	Newton	Toomy
Fowler	Nunez	Triche
Fulco	Perez	Velazquez
Gauthier	Perkins	Warren
Giarrusso	Planchard	Weiss
Ginn	Rachal	Willis
Grier	Rayburn	Wisham
Hardee	Riecke	Womack
Hayes	Robinson	Zervigon
Heine	Roemer	

Total—92.

NAYS

Delegates—		
Champagne	Lanier	O'Neill
Guarisco		
Total—4.		

ABSENT

Delegates—	Haynes	Reeves
Aertker	Hernandez	Roy
Alexander	Kean	Segura
Armentor	Kilpatrick	Silverberg
Asseff	Landrum	Slay
Brown	Landry, A.	Stovall
Cannon	LeBreton	Tapper
Chehardy	Leigh	Ullo
Conroy	Lowe	Vesich
Drew	Martin	Vick
Duval	Miller	Wall
Gravel	Ourso	Winchester
Guidry		
Total—36.		

And the Chair declared that the above Section was passed.

Delegate Juneau moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 9. Quorum; Compulsory Attendance; Journal; Adjournment; Consent of Other House

Section 9. (A) Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and shall have power to compel the attendance of absent members.

(B) Each house shall keep a journal of its proceedings which shall be published from day-to-day and which shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with said yeas and nays being published in the journal.

(C) Whenever the legislature is in session neither house shall adjourn for more than three days or to any other place than that in which it is then meeting, without the consent of the other house.

Read.

Delegate Blair sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Blair to Committee Proposal No. 3 by Delegate Blair:

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On Page 5, delete lines 29 through 32 in their entirety and insert in lieu thereof the following:

“(B) Each house shall keep a journal of its proceedings, and cause the same to be published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with said yeas and nays being published in the journal.”

AMENDMENT No. 2—

On Page 6, delete line 1 in its entirety.

On motion of Delegate Blair the amendments were adopted.

Delegate Blair moved to reconsider the motion by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 9, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Edwards	Perkins
Abraham	Elkins	Planchard
Alario	Fayard	Rayburn
Alexander	Flory	Riecke
Anzalone	Fontenot	Robinson
Asseff	Fowler	Roy
Avant	Fulco	Sandoz
Badeaux	Giarrusso	Schmitt
Bel	Ginn	Shannon
Bergeron	Grier	Singletary
Blair	Guarisco	Smith
Bollinger	Hardee	Soniat
Brien	Hayes	Stagg
Burns	Heine	Stephenson
Burson	Jack	Stinson
Carmouche	Jackson, A.	Sutherland
Casey	Jackson, J.	Tapper
Champagne	Juneau	Tate
Chatelain	Kilbourne	Taylor
Chehardy	Lambert	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Triche
De Blieux	McDaniel	Velazquez
Dennis	Mauberret	Warren
Derbes	Munson	Weiss
Deshotels	Newton	Willis
Drew	Nunez	Wisham
Dunlap	O'Neill	Womack
Duval	Perez	Zervigon
Total—96.		

NAYS

Delegate Kelly
Total—1.

ABSENT

Delegates—	Kean	Reeves
Aertker	Kilpatrick	Roemer
Armentor	Landrum	Segura
Arnette	Landry, A.	Silverberg
Brown	LeBreton	Slay
Cannon	Leigh	Stovall
Dennery	Lowe	Ullo
Dunlap	Martin	Vesich
Gravel	Miller	Vick
Guidry	Mire	Wall
Haynes	Ourso	Winchester
Hernandez	Rachal	
Jenkins		
Total—35.		

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. Legislative Auditor

Section 10. There shall be a legislative auditor who shall be elected by the consent of a majority of the elected members of each house and may be removed by the consent of two-thirds of the elected members of each house. The legislative auditor shall be responsible solely to the legislature and shall serve as fiscal advisor to the legislature. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local governments as are provided by law.

Read.

Delegate Newton sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, at the end of line 9 delete the word "two-" and at the beginning of line 10 delete the word "thirds" and insert in lieu thereof the word "majority"

Delegate Newton moved the adoption of the amendment.

Delegate Casey objected.

Delegate Stagg moved the previous question on the amendment.

Delegate Nunez objected.

By a vote of 29 yeas and 64 nays the Convention refused to order the previous question on the amendment.

Delegate Newton moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 39 yeas and 62 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Weiss, Schmitt, Silverberg, Roy to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 7, immediately after "Section 10." and before the words "There shall" add "(A)"

AMENDMENT No. 2—

On page 6, between lines 15 and 16, add the following:
 "(B) The legislative auditor shall conduct an audit annually of all compensation paid from state funds, to all persons except in the classified service of the state."

Delegate Weiss moved the adoption of the amendments.

Delegate Casey objected.

By a vote of 27 yeas and 79 nays the amendments were rejected.

Delegate Casey moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Alario and Munson to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 11 immediately after the word "and" delete the word "shall" and insert in lieu thereof the word "may"

AMENDMENT No. 2—

On page 6 at the beginning of line 12 between the word "as" and the word "fiscal" insert the word "a"

Delegate Alario moved the adoption of the amendments.

On request of Delegate Arnette a division of the question was ordered.

Delegate Alario moved the adoption of Amendment No. 1.

Delegate Arnette objected.

By a vote of 36 yeas and 76 nays Amendment No. 1 was rejected.

Delegate Arnette moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario moved the adoption of Amendment No. 2.

Delegate Arnette objected.

By a vote of 99 yeas and 5 nays the amendment was adopted.

Delegate Alario moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 10, was read, as amended.

Read in full.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Drew	Martin
Abraham	Dunlap	Mauberret
Aertker	Duval	Mire
Alario	Edwards	Munson
Alexander	Elkins	Nunez
Anzalone	Fayard	O'Neill
Arnette	Flory	Ourso
Asseff	Fontenot	Perkins
Avant	Fowler	Plancharad
Badeaux	Fulco	Rayburn
Bel	Guathier	Reeves
Bergeron	Giarrusso	Riecke
Blair	Grier	Robinson
Bollinger	Guarisco	Roemer
Brien	Hardee	Sandoz
Burns	Heine	Schmitt
Burson	Hernandez	Shannon
Carmouche	Jack	Silverberg
Casey	Jackson, J.	Singletary
Champagne	Jenkins	Smith
Chatelain	Juneau	Soniat
Chehardy	Kilbourne	Stagg
Conino	Kilpatrick	Stephenson
Conroy	Lambert	Stinson
Cowen	Landry, A.	Sutherland
D'Gerolamo	Landry, E. J.	Tapper
De Blieux	Lanier	Tate
Dennery	LeBleu	Taylor
Dennis	Leithman	Thistlethwaite
Derbes	Lennox	Thompson
Deshotels	McDaniel	Tobias

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Toca	Warren	Womack
Toomy	Weiss	Zervigon
Triche	Willis	
Velazquez	Wisham	
Total—103.		

NAYS

Delegate Newton
Total—1.

ABSENT

Delegates—		
Armentor	Kean	Roy
Brown	Kelly	Segura
Cannon	Landrum	Slay
Corne	LeBreton	Stovall
Ginn	Leigh	Ullo
Gravel	Lowe	Vesich
Guidry	Miller	Vick
Hayes	Perez	Wall
Haynes	Rachal	Winchester
Jackson, A.		
Total—28.		

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 11. Salaries of Public Officers; Change

Section 11. Except as otherwise provided in this constitution, salaries of public officials may be changed only by two-thirds vote of the elected members of each house of the legislature; provided that the salaries of public officers shall not be reduced during the term for which they are elected or appointed.

Read.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates De Blieux and Weiss to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 18, immediately after "tion," delete the remainder of the line and delete line 19 in its entirety and at the beginning of line 20 delete "the legislature;" and insert the following:

"during the regular session of the legislature immediately preceding the election for the the governor, the legislature shall fix the salaries of all elected officials whose salaries are fixed by law, which shall be the salaries of those officials until changed by the next regular session immediately preceding the next election for governor;"

Delegate De Blieux moved the adoption of the amendment.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Deshotels	Planchard
Bollinger	Fontenot	Riecke
Champagne	Grier	Sutherland
Corne	Hardee	Velazquez
Cowen	Lambert	Weiss
De Blieux	McDaniel	
Total—17.		

NAYS

Delegates—

Abraham	Fulco	O'Neill
Alario	Gauthier	Ourso
Anzalone	Giarrusso	Perez
Arnette	Ginn	Perkins
Asseff	Gravel	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hayes	Robinson
Bel	Heine	Roemer
Bergeron	Hernandez	Roy
Blair	Jack	Sandoz
Burns	Jackson, A.	Shannon
Burson	Jenkins	Singletary
Carmouche	Juneau	Smith
Casey	Kean	Stagg
Chehardy	Kelly	Stephenson
Conino	Kilbourne	Stinson
Conroy	Landry, A.	Tapper
D'Gerolamo	Landry, E. J.	Tate
Dennerly	Lanier	Tobias
Dennis	LeBleu	Toca
Derbes	Leithman	Toomy
Drew	Lennox	Triche
Dunlap	Martin	Wall
Duval	Mauberrret	Warren
Edwards	Mire	Willis
Elkins	Munson	Wisham
Fayard	Newton	Womack
Flory	Nunez	Zervigon
Fowler		
Total—85.		

ABSENT

Delegates—

Mr. Chairman	Kilpatrick	Slay
Alexander	Landrum	Soniat
Armentor	LeBreton	Stovall
Brien	Leigh	Taylor
Brown	Lowe	Thistlethwaite
Cannon	Miller	Thompson
Chatelain	Rachal	Ullo
Guidry	Schmitt	Vesich
Haynes	Segura	Vick
Jackson, J.	Silverberg	Winchester
Total—30.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Asseff to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 18 immediately after the words "may be" and before the word "changed" insert the following: "set by a majority vote of the elected members of each house of the legislature but may be"

AMENDMENT No. 2—

On page 6, line 21 immediately after the words "not be" and before the word "during" delete the word "reduced" and insert in lieu thereof the following: "increased nor diminished"

AMENDMENT No. 3—

On page 6, line 22 place a period (.) immediately after the word "elected" and strike out the balance of the sentence.

Delegate Asseff moved the adoption of the amendments.

On motion of Delegate Arnette a division of the question was ordered.

Delegate Asseff moved the adoption of Amendment No. 1.

Delegate Blair objected.

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By a vote of 19 yeas and 78 nays, Amendment No. 1 was rejected.

Delegate Blair moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff moved the adoption of Amendment No. 2.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Arnette	Grier	Reeves
Asseff	Kean	Riecke
Badeaux	Kilbourne	Roemer
Burns	LeBleu	Schmitt
Corne	McDaniel	Smith
Derbes	Nunez	Sutherland
Drew	O'Neill	Velazquez
Dunlap	Perez	Weiss
Fulco	Planchard	Wisham

Total—27.

NAYS

Delegates—

Abraham	Fowler	Rayburn
Alario	Gauthier	Robinson
Anzalone	Giarrusso	Sandoz
Avant	Gravel	Segura
Bel	Guarisco	Shannon
Bergeron	Hardee	Silverberg
Blair	Hayes	Singletary
Bollinger	Heine	Stagg
Brien	Hernandez	Stephenson
Burson	Jack	Stinson
Carmouche	Jackson, A.	Tapper
Casey	Jenkins	Tate
Champagne	Juneau	Thistlethwaite
Conino	Kelly	Tobias
Conroy	Landry, A.	Toca
Cowen	Landry, E. J.	Toomy
De Blieux	Lanier	Triche
D'Gerolamo	Leithman	Vick
Dennis	Lennox	Wall
Duval	Martin	Willis
Edwards	Mauberret	Womack
Elkins	Munson	Zervigon
Fayard	Ourso	
Flory	Perkins	

Total—70.

ABSENT

Delegates—

Mr. Chairman	Guidry	Rachal
Aertker	Haynes	Roy
Alexander	Jackson, J.	Slay
Armentor	Kilpatrick	Soniat
Brown	Lambert	Stovall
Cannon	Landrum	Taylor
Chatelain	LeBreton	Thompson
Chehardy	Leigh	Ullio
Dennery	Lowe	Vesich
Deshotels	Miller	Warren
Fontenot	Mire	Winchester
Ginn	Newton	

Total—35.

And the amendment was rejected.

Delegate Blair moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Asseff Amendment No. 3 was withdrawn.

Delegate Wall in the Chair

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew and Lambert to Committee Proposal No. 3 by Delegates Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 18, after the words "salaries of" and before the word "public" insert the words "appointed or elected"

AMENDMENT No. 2—

On page 6, line 20, after the words "salaries of" and before the word "public" insert the words "appointed and elected"

Delegate Drew moved the adoption of the amendments.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fulco	Perez
Anzalone	Gauthier	Perkins
Arnette	Ginn	Planchard
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Riecke
Bergeron	Hardee	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Burns	Jack	Shannon
Burson	Jackson, J.	Silverberg
Champagne	Juneau	Singletary
Chatelain	Kean	Soniat
Conino	Kelly	Stagg
Conroy	Kilbourne	Stephenson
Corne	Lambert	Stinson
Cowen	Landry, A.	Sutherland
D'Gerolamo	Landry, E. J.	Tapper
De Blieux	Lanier	Taylor
Dennis	LeBleu	Thistlethwaite
Derbes	Lennox	Thompson
Drew	McDaniel	Tobias
Dunlap	Martin	Toca
Duval	Mire	Toomy
Elkins	Newton	Vick
Fayard	Nunez	Warren
Flory	O'Neill	Weiss
Fontenot	Ourso	Willis

Total—84.

NAYS

Delegates—

Abraham	Hayes	Roy
Brien	Jackson, A.	Tate
Carmouche	Jenkins	Velazquez
Casey	Mauberret	Womack
Dennery	Robinson	

Total—14.

ABSENT

Delegates—

Mr. Chairman	Guidry	Slay
Aertker	Haynes	Smith
Alexander	Kilpatrick	Stovall
Armentor	Landrum	Triche
Bel	LeBreton	Ullio
Brown	Leigh	Vesich
Cannon	Leithman	Wall
Chehardy	Lowe	Winchester
Deshotels	Miller	Wisham
Edwards	Munson	Zervigon
Fowler	Rachal	
Giarrusso	Roemer	

Total—34.

And the amendments were adopted.

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Delegate Drew moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Miller in the Chair

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Fayard and Juneau to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, strike out lines 16 and 17 in their entirety and insert in lieu thereof the following:

"Section 11. Salaries of Legislators and Other Public Officials; **Change**

Section 11. (A) The members of the legislature shall be paid an annual salary and such expense allowances as may be fixed by the legislature, and the salary so paid shall be in lieu of all per diem.

(B) Except as otherwise provided in this constitu—"

AMENDMENT No. 2—

On page 6, at the beginning of line 19 delete the word "two-thirds" and insert in lieu thereof "majority"

Delegate Juneau moved the adoption of the amendments.

Delegate Roy objected.

On motion of Delegate Riecke a division of the question was ordered.

Delegate Juneau moved the adoption of Amendment No. 1.

Delegate Fontenot objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Arnette
Bollinger
Brien
Casey
Champagne
Cowen
De Blieux
Dennery
Dennis
Derbes
Deshotels
Dunlap
Duval
Total—40.

Fayard
Fontenot
Fulco
Grier
Hardee
Heine
Jackson, J.
Juneau
Kean
Lanier
LeBreton
Lennox
McDaniel
Nunez

Reeves
Riecke
Schmitt
Segura
Singletary
Smith
Stephenson
Stinson
Sutherland
Tapper
Velazquez
Zervigon

NAYS

Delegates—

Alario
Anzalone
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Burns
Burson
Carmouche
Chatelain
Conino
Conroy

Corne
D'Gerolamo
Drew
Edwards
Elkins
Flory
Gauthier
Giarrusso
Ginn
Gravel
Guarisco
Hayes
Hernandez
Jack

Jackson, A.
Jenkins
Kelly
Kilbourne
Lambert
Landry, A.
Landry, E. J.
LeBleu
Leithman
Martin
Mauberret
Mire
Newton
O'Neill

Ourso
Perkins
Planchard
Rayburn
Robinson
Roy
Sandoz
Shannon
Total—66.

Silverberg
Soniat
Stagg
Tate
Taylor
Thistlethwaite
Thompson
Tobias

Toca
Toomy
Triche
Vick
Wall
Weiss
Wisham
Womack

ABSENT

Delegates—

Mr. Chairman
Aertker
Alexander
Armentor
Brown
Cannon
Chehardy
Fowler
Guidry
Total—26.

Haynes
Kilpatrick
Landrum
Leigh
Lowe
Miller
Munson
Perez
Rachal

Roemer
Slay
Stovall
Ullo
Vesich
Warren
Willis
Winchester

And Amendment No. 1 was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau moved the adoption of Amendment No. 2.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Avant
Bel
Casey
Cowen
Dennery
Dennis
Drew
Edwards
Flory
Ginn
Total—30.

Guarisco
Jackson, A.
Jackson, J.
Kelly
Landry, A.
Lanier
LeBreton
Martin
Mauberret
Newton

Nunez
Ourso
Roy
Segura
Shannon
Singletary
Soniat
Stephenson
Taylor
Zervigon

NAYS

Delegates—

Abraham
Alario
Anzalone
Arnette
Asseff
Badeaux
Bergeron
Blair
Bollinger
Brien
Burns
Burson
Carmouche
Champagne
Chatelain
Conino
Conroy
Corne
De Blieux
D'Gerolamo
Derbes
Deshotels
Dunlap
Duval
Elkins
Fayard
Total—78.

Fontenot
Fulco
Gauthier
Giarrusso
Gravel
Grier
Hardee
Hayes
Heine
Hernandez
Jack
Jenkins
Juneau
Kean
Kilbourne
Lambert
Landry, E. J.
LeBleu
Leithman
Lennox
McDaniel
Mire
Perez
Perkins
Planchard
Rayburn

Reeves
Riecke
Robinson
Sandoz
Schmitt
Silverberg
Smith
Stagg
Stinson
Sutherland
Tapper
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Triche
Velazquez
Vick
Wall
Warren
Weiss
Willis
Wisham
Womack

ABSENT

Delegates—

Mr. Chairman
Aertker
Alexander

Armentor
Brown
Cannon

Chehardy
Fowler
Guidry

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19th Days Proceedings—July 25, 1973

Haynes	Miller	Slay
Kilpatrick	Munson	Stovall
Landrum	O'Neill	Uilo
Leigh	Rachal	Vesich
Lowe	Roerner	Winchester

Total—24.

And Amendment No. 2 was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Rayburn, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure.

Read.

Lies over under the rules.

Motion

On motion of Delegate Planchard, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 17—

Introduce by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery, and Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

Read.

Lies over under the rules.

Motion

On motion of Delegate Dennis the rules were suspended

in order to call a meeting of the Committee on the Judiciary, without giving the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on the Judiciary without giving the required twenty-four hour notice.

The Committee on the Judiciary will meet on Thursday, and Friday mornings, July 26 and 27, 1973, at 9:00 o'clock in Room 206 and will consider the following agenda:

AGENDA

Public Hearing on Committee Proposal No. 6.

Respectfully submitted,

JAMES L. DENNIS,

Chairman of the Committee on
The Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Rayburn the rules were suspended in order to call a meeting of the Committee on Revenue, Finance and Taxation, without giving the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday and Friday, July 26 and 27, 1973, at 9:00 o'clock a.m. in Committee Rm. 4 and will consider the following agenda:

AGENDA

Continue consideration of proposals relating to Revenue, Finance and Taxation.

Respectfully submitted,

B. B. RAYBURN,

Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Winchester 1—Day.

Adjournment

Delegate Rayburn moved that the Convention do now adjourn until Thursday, July 26, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Vice-Chairman Miller declared the Convention adjourned to Thursday, July 26, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

TWENTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Thursday, July 26, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Giarrusso	Rayburn
Alexander	Ginn	Reeves
Anzalone	Gravel	Riecke
Armentor	Grier	Robinson
Arnette	Guarisco	Roemer
Asseff	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Haynes	Schmitt
Bel	Heine	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	LeBreton	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Triche
Dennis	Lennox	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberrert	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Edwards	Munson	Weiss
Elkins	Newton	Willis
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ourso	Zervigon
Total—126.		

ABSENT

Delegates—		
Cannon	Lowe	Taylor
Guidry	Rachal	Winchester
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Casey.

Pledge of Allegiance

Delegate Robinson led the Convention in reciting the
the Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Reeves, the reading of the Journal
was dispensed with.

On motion of Delegate Reeves, the Journal of yesterday
was adopted.

Morning Hour

Introduction of Resolutions
Delegate and Committee Resolution

The following delegates and Chairman on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 34—

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

Read.

Lies over under the rules.

Reports of Committees

The following reports of committees were received and
read:

Mr. Arnette, vice chairman, on behalf of the Committee
on Rules, Credentials and Ethics, submitted the following
report:

State of Louisiana
Constitutional Convention
of 1973

July 26, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitution Conven-
tion:

I am directed by your Committee on Rules, Credentials and
Ethics to submit the following report:

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of
the Committee on Rules, Credentials, and Ethics and Dele-
gates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules
of the Constitutional Convention to provide for the
limitation of debate.

Reported with amendments.

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Con-
stitutional Convention to provide for adoption of pro-
posals by subsection or paragraph rather than by section.

Reported with amendments.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Con-
stitutional Convention to require that amendments to
proposals be germane.

Reported favorably.

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of

the Constitutional Convention, relative to limits on debate.

Reported without action.

Respectfully submitted,

W. GREGORY ARNETTE, JR.,
Vice-Chairman.

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 17—

Introduced by Delegate Planchard:

A PROPOSAL

Making provisions prohibiting lotteries.

Read.

Under the rules the chair ruled that the proposal should be referred to the Committee on Revenue, Finance and Taxation.

Delegate Casey objected and otherwise moved that the Proposal be referred to the Committee on Legislative Powers and Functions.

Delegate Smith objected.

By a vote of 49 yeas and 51 nays the Convention refused to refer the proposal to the Committee on Legislative Powers and Functions.

Therefore under the rules the above Proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 18—

Introduced by Delegates Casey, Alario, Dennery and Gravel:

A PROPOSAL

Providing for meeting of the legislature for the next three years following the adoption of this constitution.

Read.

Under the rules the above Proposal was referred to the Committee on Legislative Powers and Functions.

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 12—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Rob-

inson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by prohibiting the leasing of convicts and the employment of convicts in competition with private enterprise and by providing for reimbursement to parishes for expenses incurred resulting from crimes committed in penal institutions.

Read.

Reported favorably by the Committee on Education and Welfare.

Ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 13—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for the settlement of disagreements through arbitration.

Read.

Reported by substitute by the Committee on Education and Welfare.

The title to the substitute was read as follows:

COMMITTEE PROPOSAL No. 18—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham, substitute for Committee Proposal No. 13, by Delegate Aertker.

A PROPOSAL

Making provisions for human resources by prohibiting compulsory arbitration.

On motion of Delegate Aertker the substitute was adopted and became Committee Proposal No. 18 by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, substitute for Committee Proposal No. 13, by Delegate Aertker, chairman on behalf of the Committee on Education and Welfare.

Read.

Returned to the Calendar under the rules.

COMMITTEE PROPOSAL No. 14—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources through a system of economic security, social welfare, unemployment compensation, and public health.

Read.

Reported favorably by the Committee on Education and Welfare.

Ordered engrossed and passed to its third reading.

Motion

On motion of Delegate Juneau, the Convention altered the Order of Business to take up Resolutions on Third Reading and Final Passage at this time.

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

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Motion

Delegate Juneau moved for a suspension of the rules in order to call Delegate Resolution No. 26 out of its regular order.

Delegate Planchard objected.

By a vote of 61 yeas and 47 nays the Committee refused to suspend the rules at this time.

Motion

On motion of Delegate Juneau, the Convention altered the Order of Business to take up unfinished business at this time.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 11. Salaries of Public Officers; Change

Section 11. Except as otherwise provided in this constitution, salaries of public officials may be changed only by two-thirds vote of the elected members of each house of the legislature; provided that the salaries of public officers shall not be reduced during the term for which they are elected or appointed.

Read.

Delegate Asseff sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Asseff to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, strike out lines 16 through 22 in their entirety

Delegate Asseff moved the adoption of the amendment.

Delegate Riecke objected.

On motion of Delegate Asseff the amendment was withdrawn.

Delegate Newton sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Newton and Asseff to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 17 through 22 both inclusive in their entirety and insert in lieu thereof the following:

"Section 11. The compensation of appointed or elected

public officers shall not be reduced during the term for which they are elected or appointed."

AMENDMENT No. 2—

On page 6, strike out line 16 and insert in lieu thereof the following:

"Section 11. Compensation of Public Officers; Reduction"

AMENDMENT No. 3—

On page 6, strike out Floor Amendments No. 1 and No. 2 proposed by Mr. Drew and adopted by the Convention on July 25, 1973.

Delegate Newton moved the adoption of the amendments.

Delegate Anzalone objected.

By a vote of 18 yeas and 90 nays the amendments were rejected.

Delegate Anzalone moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Shannon and Tobias to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, at the beginning of line 18 after the partial word "tion," and before the words "of public" delete the word "salaries" and insert in lieu thereof the word "compensation"

AMENDMENT No. 2—

On page 6, line 20 after the words "that the" and before the words "of public" delete the word "salaries" and insert in lieu thereof the word "compensation"

AMENDMENT No. 3—

On page 6, at the end of line 20 after the word "public" delete the word "officers" and insert in lieu thereof the word "officials"

Delegate Shannon moved the adoption of the amendments.

Delegate Flory objected.

By a vote of 33 yeas and 57 nays the amendments were rejected.

Delegate Casey moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Anzalone to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 16 through 22 both inclusive in their entirety.

AMENDMENT No. 2—

Delete Amendments proposed by Delegate Drew and adopted by the Convention on July 25, 1973.

Delegate Anzalone moved the adoption of the amendments.

Delegate De Blieux objected.

By a vote of 36 yeas and 63 nays the amendments were rejected.

Delegate Drew moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

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Delegate Newton sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Newton, Asseff, Rayburn and Alario to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 16 through 22 both inclusive in their entirety and insert in lieu thereof the following:

"Section 11. Compensation of Elected Public Officers; Reduction

Section 11. The compensation of elected public officers shall not be reduced during the term for which they are elected."

AMENDMENT No. 2—

Delete Amendments proposed by Delegate Drew and adopted by the Convention on July 25, 1973.

Delegate Newton moved the adoption of the amendments.

Delegate Drew objected.

By a vote of 50 yeas and 48 nays the amendments were adopted.

Delegate Newton moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 11, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Rayburn
Alario	Fulco	Reeves
Armentor	Ginn	Robinson
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Guarisco	Shannon
Blair	Hardee	Singletary
Bollinger	Hayes	Slay
Brien	Jackson, J.	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Carmouche	Landrum	Stovall
Casey	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Tobias
Cowen	Lennox	Toca
D'Gerolamo	McDaniel	Toomy
Dennery	Martin	Ullo
Dennis	Mire	Velazquez
Derbes	Munson	Vesich
Deshotels	Newton	Vick
Duval	Nunez	Wisham
Edwards	Perez	Zervigon
Flory	Perkins	
Fontenot	Planchard	
Total—76.		

NAYS

Delegates—		
Asseff	De Blieux	Hernandez
Bergeron	Drew	Jack
Champagne	Dunlap	Jenkins
Chatelain	Elkins	Kilbourne
Conino	Fayard	LeBleu

Leigh
Miller
O'Neill
Total—23.

Riecke
Sutherland
Warren

Weiss
Willis

ABSENT

Delegates—

Abraham
Aertker
Alexander
Anzalone
Arnette
Cannon
Conroy
Gauthier
Giarrusso
Guidry
Haynes
Total—33.

Heine
Jackson, A.
Kilpatrick
Lambert
LeBreton
Leithman
Lowe
Mauberret
Ourso
Rachal
Roemer

Schmitt
Segura
Silverberg
Stinson
Tapper
Taylor
Thompson
Triche
Wall
Winchester
Womack

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 12. Local or Special Laws

Section 12. The legislature shall pass no local or special law when a general law is or can be made applicable.

Read.

Motion

On motion of Delegate Blair Convention action was postponed on Committee Proposal No. 3, Section 12, at this time.

Section 13. Local or Special Laws; Notice of Intention; Publication

Section 13. No local or special law shall be introduced into the legislature unless notice of the intention to introduce such law has been published, without cost to the state, in the locality where the matter or things to be affected are situated on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law. Every such bill shall contain a recital that the notice has been given.

Read.

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Lanier to Committee Proposal No. 3 by Delegates Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 28 delete the words "introduced into" and insert in lieu thereof "enacted by".

AMENDMENT No. 2—

On page 6, line 30 after the word "in" and before the word "the" insert "the official journal of".

On motion of Delegate Lanier the amendments were adopted.

Delegate Lanier moved to reconsider the motion by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 13, was read, as amended.

Read in full.

Delegate Juneau moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Alario	Armentor
Abraham	Anzalone	Arnette

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Asseff	Fontenot	Planchard
Avant	Fowler	Rayburn
Badeaux	Fulco	Reeves
Bel	Ginn	Riecke
Bergeron	Gravel	Robinson
Blair	Grier	Roy
Bollinger	Guarisco	Sandoz
Brien	Hardee	Shannon
Brown	Hayes	Singletary
Burns	Hernandez	Slay
Burson	Jack	Smith
Carmouche	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kean	Stephenson
Chatelain	Kelly	Stinson
Chehardy	Kilbourne	Stovall
Conino	Landrum	Sutherland
Conroy	Landry, A.	Tapper
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Tobias
D'Gerolamo	LeBleu	Toomy
De Blieux	LeBreton	Ullo
Dennery	Leigh	Velazquez
Dennis	Lennox	Vesich
Derbes	McDaniel	Vick
Deshotels	Martin	Warren
Drew	Miller	Weiss
Dunlap	Mire	Willis
Duval	Munson	Wisham
Edwards	Newton	Womack
Elkins	O'Neill	Zervigon
Fayard	Perez	
Flory	Perkins	

Total—103.

NAYS

Total—0.

ABSENT

Delegates—

Aertker	Kilpatrick	Segura
Alexander	Lambert	Silverberg
Cannon	Leithman	Tate
Gauthier	Lowe	Taylor
Giarrusso	Maubertret	Thompson
Guidry	Nunez	Toca
Haynes	Ourso	Triche
Heine	Rachal	Wall
Jackson, A.	Roemer	Winchester
Jackson, J.	Schmitt	

Total—29.

And the Chair declared that the above Section was passed.

Delegate Juneau moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 14. Suits Against the State

Section 14. The legislature may authorize suit to be filed against the state, its agencies, and political subdivisions, and shall provide a method of procedure and the effect of the judgments which may be rendered therein. Any law enacted for the purpose shall waive immunity from suit and from liability.

Read.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Landrum to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. The immunity of the state from suit and liability is hereby abolished."

On motion of Delegate Landrum the amendment was withdrawn from the files of the Convention.

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Lanier, D'Gerolamo, Duval, Alario, Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 6, after "Section 14." and before the words "The legislature" add the letter "(A)"

AMENDMENT No. 2—

On page 7, between lines 11 and 12, add the following:

"(B) However, public property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Delegate Lanier moved the adoption of the amendments.

On motion of Delegate Lanier the amendments were withdrawn from the files of the Convention.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Planchard, Tobias, Gauthier, Conino, Warren, Guarisco, J. Jackson and Landrum to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following:

"Section 14. The legislature may authorize methods and procedures for payment of final judgments rendered against the state, its agencies, and political subdivisions; however, public property shall not be subject to seizure and no judgment against the state or any other public body shall be exigible, payable or paid except out of funds appropriated for payment thereof."

Delegate Planchard moved the adoption of the amendment.

Delegate Casey objected.

Motion

Delegate Chatelain moved to postpone Convention action on Committee Proposal No. 3, Section 14, at this time.

Delegate Blair objected.

By a vote of 17 yeas and 92 nays the Convention refused to postpone action on Committee Proposal No. 3 Section 14, at this time.

Motion

Delegate Thompson moved the previous question on the amendment.

Delegate Landrum objected.

By a vote of 30 yeas and 73 nays the Convention refused to order the previous question on the amendment, at this time.

Delegate Planchard moved the adoption of the amendment.

Delegate LeBreton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Alario	Gravel	Singletary
Arnette	Guarisco	Slay
Avant	Hayes	Soniat
Bergeron	Haynes	Tapper
Brown	Hernandez	Tate
Burson	Jackson, J.	Tobias
Champagne	Jenkins	Toca
Chehardy	Kelly	Toomy
Conino	Landrum	Triche
Cowen	Miller	Velazquez
De Blieux	Mire	Vesich
Dennis	Newton	Vick
Derbes	O'Neill	Warren
Dunlap	Planchard	Willis
Flory	Roemer	Wisham
Fontenot	Roy	
Gauthier	Schmitt	
Total—49.		

NAYS

Delegates—

Abraham	Fowler	Ourso
Anzalone	Fulco	Perez
Armentor	Giarrusso	Perkins
Asseff	Ginn	Reeves
Badeaux	Grier	Riecke
Bel	Hardee	Robinson
Blair	Heine	Sandoz
Bollinger	Jack	Shannon
Brien	Juneau	Silverberg
Burns	Kean	Smith
Carmouche	Kilbourne	Stagg
Casey	Landry, A.	Stephenson
Chatelain	Landry, E. J.	Stinson
Conroy	Lanier	Stovall
Corne	LeBleu	Sutherland
D'Gerolamo	LeBreton	Thistlethwaite
Dennery	Leigh	Thompson
Deshotels	Leithman	Ullo
Drew	Martin	Weiss
Duval	Mauberret	Womack
Elkins	Munson	Zervigon
Fayard	Nunez	
Total—65.		

ABSENT

Delegates—

Mr. Chairman	Jackson, A.	Rachal
Aertker	Kilpatrick	Rayburn
Alexander	Lambert	Segura
Cannon	Lennox	Taylor
Edwards	Lowe	Wall
Guidry	McDaniel	Winchester
Total—18.		

And the amendment was rejected.

Delegate LeBreton moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tapper sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tapper to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7 delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14 (A) Neither the state nor any of its agencies or political subdivisions shall be immune from suit.

(B) However, public property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid ex-

cept out of funds appropriated for payment by the state, its agencies or political subdivisions against whom judgment is rendered."

Delegate Tapper moved the adoption of the amendment.

Delegate LeBreton objected.

Vice-Chairman Casey in the Chair

Motion

Delegate Stovall moved the previous question on the amendment.

Delegate Landrum objected.

By a vote of 32 yeas and 59 nays the Convention refused to order the previous question on the amendment.

Motion

Delegate Shannon moved the previous question on the entire subject matter of Section 14.

Delegate Stovall objected.

By a vote of 33 yeas and 63 nays the Convention refused to order the question on the entire subject matter.

Delegate Tapper moved the adoption of the amendment.

Delegate LeBreton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Arnette	Fontenot	Roy
Avant	Ginn	Schmitt
Bergeron	Gravel	Segura
Bollinger	Guarisco	Singletary
Brien	Hayes	Soniat
Brown	Haynes	Tapper
Burson	Jackson, J.	Tate
Champagne	Jenkins	Tobias
Chehardy	Kelly	Toca
Conino	Landrum	Velazquez
D'Gerolamo	Miller	Vesich
De Blieux	Newton	Warren
Dennis	O'Neill	Willis
Derbes	Planchard	Wisham
Dunlap	Riecke	
Flory	Roemer	
Total—46.		

NAYS

Delegates—

Abraham	Fulco	Reeves
Alario	Grier	Robinson
Anzalone	Heine	Sandoz
Armentor	Hernandez	Shannon
Asseff	Jack	Silverberg
Badeaux	Juneau	Slay
Bel	Kilbourne	Smith
Blair	Landry, A.	Stagg
Casey	Landry, E. J.	Stephenson
Chatelain	Lanier	Stinson
Conroy	LeBleu	Stovall
Corne	LeBreton	Sutherland
Dennery	Leigh	Thistlethwaite
Deshotels	Martin	Toomy
Drew	Mire	Ullo
Duval	Munson	Weiss
Elkins	Nunez	Womack
Fayard	Perez	Zervigon
Fowler	Perkins	
Total—56.		

ABSENT

Delegates—

Mr. Chairman	Alexander	Cannon
Aertker	Burns	Carmouche

Cowen	Kilpatrick	Rachal
Edwards	Lambert	Rayburn
Gauthier	Leithman	Taylor
Giarrusso	Lennox	Thompson
Guidry	Lowe	Triche
Hardee	McDaniel	Vick
Jackson, A.	Mauberrret	Wall
Kean	Ourso	Winchester
Total—30.		

And the amendment was rejected.

Delegate LeBreton moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. The immunity of the state and any of its political subdivisions from suit and liability is hereby abolished. The legislature shall provide a method of procedure and the effect of the judgments which may be rendered against the state or any of its political subdivisions. However, public property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Delegate De Blieux moved the adoption of the amendment.

Delegate LeBreton objected.

By a vote of 43 yeas and 57 nays the amendment was rejected.

Delegate LeBreton moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved the previous question on the entire subject matter of Section 14.

Delegate De Blieux objected.

By a vote of 34 yeas and 61 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery, D'Gerolamo, Jack, Weiss, Lanier and De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7 delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. (A) The legislature shall adopt statutes providing methods of filing suits against the state, its agencies, and political subdivisions. Such statutes may waive immunity from suit and liability, shall provide a method of procedure and the effect of the judgments which may be rendered thereon, and may waive any prescriptive or peremptive period.

(B) Except when it may have been pledged or hypothecated to secure payment of any debt or obligation, public

property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid except out of funds appropriated for payment by the state, its agencies or political subdivisions against whom judgment is rendered."

Delegate Dennery moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 29 yeas and 71 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7 line 7, immediately after the word "subdivision" and the comma "," and before the word "and" insert the following:

"may waive any prescriptive or any peremptive period"

Delegate Avant moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 75 yeas and 22 nays the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed as follows:

AMENDMENT No. 1—

On page 7, line 11, immediately after "liability." add the following sentence:

"Neither the state nor any of its agencies or political subdivisions shall be immune from suit or liability in tort."

Delegate Burson moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fontenot	Roy
Arnette	Ginn	Schmitt
Avant	Gravel	Silverberg
Bergeron	Guarisco	Singletary
Bollinger	Hayes	Soniat
Brien	Haynes	Tapper
Brown	Jackson, J.	Tate
Burson	Jenkins	Thistlethwaite
Champagne	Kelly	Thompson
Conino	Landrum	Tobias
D'Gerolamo	Landry, A.	Ullo
De Blieux	Miller	Velazquez
Dennis	Mire	Vick
Derbes	O'Neill	Warren
Dunlap	Planchard	Willis
Duval	Riecke	Wisham
Flory	Roemer	
Total—50.		

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NAYS

Delegates—

Abraham
Anzalone
Asseff
Badeaux
Bel
Blair
Casey
Chatelain
Conroy
Corne
Dennery
Deshotels
Drew
Elkins
Fayard
Fowler
Fulco

Total—51.

Giarrusso
Grier
Heine
Jack
Juneau
Kilbourne
Landry, E. J.
Lanier
LeBleu
LeBreton
Leigh
Leithman
Martin
Munson
Newton
Nunez
Perez

Perkins
Reeves
Robinson
Sandoz
Shannon
Slay
Smith
Stagg
Stephenson
Stinson
Stovall
Sutherland
Toca
Toomy
Weiss
Womack
Zervigon

ABSENT

Delegates—

Mr. Chairman
Aertker
Alexander
Armentor
Burns
Cannon
Carmouche
Chehardy
Cowen
Edwards
Gauthier

Total—31.

Guidry
Hardee
Hernandez
Jackson, A.
Kean
Kilpatrick
Lambert
Lennox
Lowe
McDaniel
Mauberrret

Ourso
Rachal
Rayburn
Segura
Taylor
Triche
Vesich
Wall
Winchester

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Womack moved that the Convention now take up other orders of business at this time.

Delegate Blair objected.

By a vote of 67 yeas and 32 nays the Convention reverted to other orders of business at this time.

Motion

On motion of Delegate Guarisco the rules were suspended in order to call a meeting of the Committee on Bill of Rights and Elections without giving the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights & Elections, sent up the following notice:

The Committee on Bill of Rights & Elections will meet on Friday, July 27, 1973, at 9:00 o'clock a.m. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To continue consideration of an article on elections.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stovall the rules were suspended in order to call a meeting of the Committee on Rules, Credentials and Ethics without giving the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Friday, July 27, 1973, after adjournment in Committee Room No. 1 and will consider the following agenda:

AGENDA

1. Alternative proposal question
2. Delegate Resolution No. 33

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Taylor—3 days.

Delegate Winchester—1 day.

Adjournment

Delegate Casey moved that the Convention do now adjourn until Friday, July 27, 1973 at 1:00 o'clock p.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, July 27, 1973 at 1:00 o'clock p.m.

MOISE W. DENNERY,
Secretary.

DAVID R. POYNTER,
Chief Clerk.

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

TWENTY-FIRST DAY'S PROCEEDINGS

of the Constitution Convention of 1973
held in accordance with Act 2 of the
1972 Regular Session of the Legislature

Friday, July 27, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Fowler	Rachal
Mr. Chairman	Fulco	Rayburn
Abraham	Gauthier	Reeves
Aertker	Giarrusso	Riecke
Alario	Ginn	Robinson
Alexander	Gravel	Roemer
Anzalone	Grier	Roy
Armentor	Guarisco	Sandoz
Arnette	Hardee	Schmitt
Asseff	Hayes	Segura
Avant	Haynes	Shannon
Badeaux	Heine	Silverberg
Bel	Hernandez	Singletary
Bergeron	Jack	Slay
Blair	Jackson, J.	Smith
Bollinger	Jenkins	Soniat
Brien	Juneau	Stagg
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Carmouche	Kilbourne	Stovall
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Triche
De Blieux	McDaniel	Ullo
Dennery	Martin	Velazquez
Dennis	Miller	Vesich
Derbes	Mire	Vick
Deshotels	Munson	Warren
Drew	Newton	Weiss
Dunlap	Nunez	Willis
Duval	O'Neill	Winchester
Edwards	Ourso	Wisham
Elkins	Perez	Womack
Fayard	Perkins	Zervigon
Flory	Planchard	
Fontenot		
Total—122.		

ABSENT

Delegates—	Kilpatrick	Taylor
Brown	LeBreton	Wall
Cannon	Lowe	
Guidry	Mauberet	
Jackson, A.		
Total—10.		

The Chairman announced that there were 122 members present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Schmitt led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Grier, the reading of the Journal was dispensed with.

On motion of Delegate Grier, the Journal of yesterday was adopted.

Morning Hour

Motion

Delegate Rayburn moved for a suspension of the rules in order to limit debate to a period of five minutes to each delegate until the Convention passes on a proposed rule change limiting debate.

Delegate Bollinger objected.

By a vote of 100 yeas and 11 nays the rules were suspended.

Delegate Rayburn moved that debate be limited to five minutes for each delegate.

As a substitute Delegate Fontenot moved that the author or sponsor of a resolution, proposal, or amendment be allowed an extra five minutes to answer questions.

Delegate Rayburn objected.

The vote recurred on the substitute motion.

By a vote of 38 yeas and 71 nays the Convention refused to allow an additional five minutes to the author or sponsor of a proposal, resolution or amendment for the purpose of answering questions.

The vote then recurred on the original motion of Delegate Rayburn.

By a vote of 95 yeas and 19 nays debate was limited to five minutes for each delegate.

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

DELEGATE RESOLUTION No. 34—

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 18—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham. A substitute proposal for Committee Proposal No. 13 by Delegate Aertker, et al.:

A PROPOSAL

Making provisions for human resources by prohibiting compulsory arbitration.

Read.

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Reported as substitute by the Committee on Education and Welfare for Committee Proposal No. 13.

Read a second time and ordered engrossed and passed to its third reading.

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials and Ethics to Committee Resolution No. 10 by Delegate Stovall, et al.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, at the end of line 13, delete the word "five" and insert in lieu thereof the word "ten"

AMENDMENT No. 2—

On page 1, line 16, after the word "speak" and before the word "for" insert the words "in reply"

AMENDMENT No. 3—

On page 1, line 16, place a comma "," after the word "minutes" and add the following:
"but not until every delegate choosing to speak has spoken, except when the previous question or the previous question on the entire subject matter has been ordered."

AMENDMENT No. 4—

On page 1, line 17, delete the words "when the matter is initially debated."

AMENDMENT No. 5—

On page 1, at the beginning of line 21, change the word "five" to "ten"

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by subsection or paragraph rather than by section.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials and Ethics to Delegate Resolution No. 29 by Delegate Burson.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, line 4, after the figure "45" and before the words "of the Standing Rules" insert the following
"and Rule No. 81"

AMENDMENT No. 2—

On page 1, at the beginning of line 6, after "posals by" and before the word "or" delete the word "subsection" and insert in lieu thereof the word "section"

AMENDMENT No. 3—

On page 1, line 6, place a period "." after the word "paragraph" and delete the remainder of the line

AMENDMENT No. 4—

On page 1, line 7, after the figure "45" and before the words "of the Standing Rules" insert the following:
"and Rule No. 81"

AMENDMENT No. 5—

On page 1, line 13, immediately after "paragraphs," delete the remainder of the line and delete line 14 in its entirety and at the beginning of line 15 delete "of those present and voting" and insert in lieu thereof the following:
"then, with the consent of a majority of those present and voting, each separately designated paragraph shall be acted upon separately."

AMENDMENT No. 6—

On page 1, line 18, insert the following:

"Rule No. 81. Recording the Vote. On the passage on third reading of every proposal, article, section, or paragraph if acted on separately, the yeas and nays shall be entered in the Journal, and no proposal, article, section, or paragraph if acted on separately, shall be declared passed unless a majority of all the delegates to the convention shall have voted in favor of the passage of same."

On motion of Delegate Stovall the amendments were adopted.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

Read.

Reported favorably by the Committee on Rules, Credentials and Ethics.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 31—

Introduced by Delegate Burson:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention, relative to limits on debate.

Read.

Reported without action by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Stovall the Resolution was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Read.

Section 14. Suits Against the State

Section 14. The legislature may authorize suit to be filed

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against the state, its agencies, and political subdivisions, and shall provide a method of procedure and the effect of the judgments which may be rendered therein. Any law enacted for the purpose shall waive immunity from suit and from liability.

Read.

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Lanier, D'Gerolamo, Duval, Alario, Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 6, after "Section 14." and before the words "The legislature" add the letter "(A)"

AMENDMENT No. 2—

On page 7, between lines 11 and 12, add the following:

"(B) Except as otherwise provided in this Constitution, public property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Delegate Lanier moved the adoption of the amendments.

Delegate Landrum objected.

By a vote of 55 yeas and 40 nays the amendments were adopted.

Delegate Lanier moved to reconsider the vote by which the amendments were adopted and to lay the motion to reconsider on the table.

Delegate Tapper objected to tabling the motion to reconsider.

By a vote of 52 yeas and 61 nays the Convention refused to table the motion to reconsider.

Delegate Tapper insisted on the motion to reconsider the vote by which the amendments were adopted.

Delegate Lanier objected.

By a vote of 66 yeas and 46 nays the vote by which the amendments were adopted was reconsidered.

And the Chair announced that the Amendments proposed by Delegate Lanier and previously adopted by the Convention, were now before the Convention, to wit:

FLOOR AMENDMENTS

Amendments proposed by Delegates Lanier, D'Gerolamo, Duval, Alario, Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 6, after "Section 14." and before the words "The legislature" add the letter "(A)"

AMENDMENT No. 2—

On page 7, between lines 11 and 12, add the following:

"(B) Except as otherwise provided in this constitution, public property shall not be subject to seizure, and no judgment against the state, its agencies or political subdivisions, shall be exigible, payable, or paid except out of funds appropriated for payment thereof."

Delegate Lanier moved the adoption of the amendments.

As a substitute Delegate Tapper moved to table the amendments.

Delegate Lanier objected.

The vote recurred on the substitute motion.

By a vote of 46 yeas and 62 nays the Convention refused to table the amendments.

Delegate Lanier moved the adoption of the amendments.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Aertker
Alario
Alexander
Anzalone
Armentor
Badeaux
Bel
Blair
Bollinger
Burns
Carmouche
Casey
Chatelain
Chehardy
Conino
Conroy
Corne
Cowen
D'Gerolamo
Total—58.

Duval
Edwards
Elkins
Gauthier
Giarrusso
Gravel
Hardee
Heine
Hernandez
Jack
Juneau
Kean
Kilbourne
Landry, A.
Lanier
Leigh
McDaniel
Mire
Munson
Nunez

Perez
Perkins
Rayburn
Reeves
Riecke
Robinson
Shannon
Silverberg
Stephenson
Stinson
Thistlethwaite
Tobias
Toca
Toomy
Triche
Ullo
Weiss
Womack

NAYS

Delegates—

Arnette
Asseff
Avant
Bergeron
Brien
Burson
Champagne
De Blieux
Dennery
Dennis
Derbes
Deshotels
Drew
Dunlap
Flory
Fontenot
Fowler
Fulco
Total—54.

Grier
Guarisco
Hayes
Haynes
Jackson, J.
Jenkins
Kelly
Landrum
Landry, E. J.
LeBleu
Lennox
Martin
Miller
Newton
O'Neill
Planchard
Rachal
Roemer

Roy
Sandoz
Schmitt
Singletary
Slay
Smith
Soniati
Stagg
Stovall
Sutherland
Tapper
Thompson
Velazquez
Vesich
Warren
Willis
Wisham
Zervigon

ABSENT

Delegates—

Mr. Chairman
Brown
Cannon
Fayard
Ginn
Guidry
Jackson, A.
Total—20.

Kilpatrick
Lambert
LeBreton
Leithman
Lowe
Mauberet
Ourso

Segura
Tate
Taylor
Vick
Wall
Winchester

And the amendments were adopted.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 9, after the words "Any law" and before the word "enacted" insert the words "or resolution"

On motion of Delegate Casey the amendment was adopted.

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Delegate Casey moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Roy, Sandoz, Mire, Thistlethwaite, Warren, Willis, Conino and Cowan to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11 both inclusive in their entirety and insert in lieu thereof the following:

"Section 14. The doctrine of sovereign immunity is abolished; however, public property shall not be subject to seizure, except when it may have been pledged or mortgaged to secure payment of a public debt, and no judgment against the state or any public body shall be exigible, payable or paid unless funds are specifically appropriated therefor."

AMENDMENT No. 2—

Strike out Convention Floor Amendment No. 1 proposed by Delegate Avant and adopted by the Convention on July 26, 1973. Floor Amendments No. 1 and No. 2 proposed by Delegate Lanier, et al and adopted by the Convention on July 27, 1973, and Floor Amendment No. 1 proposed by Delegate Casey and adopted by the Convention on July 27, 1973.

Delegate Roy moved the adoption of the amendments.

Delegate Blair objected.

Motion

Delegate Asseff moved the previous question on the amendments.

Delegate Jack objected.

By a vote of 34 yeas and 70 nays the Convention refused to order the previous question.

Motion

Delegate Arnette moved the previous question on the entire subject matter of Section 14.

Delegate Roy objected.

By a vote of 40 yeas and 65 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Roy moved the adoption of the amendments.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Conino	Hayes
Arnette	D'Gerolamo	Haynes
Avant	De Blieux	Jackson, J.
Bel	Dunlap	Jenkins
Bergeron	Flory	Kelly
Brien	Fontenot	Landrum
Burson	Gauthier	Lennox
Carmouche	Ginn	Miller
Champagne	Gravel	Mire
Chehardy	Guarisco	Newton

O'Neill
Planchard
Rachal
Roemer
Roy
Sandoz
Schmitt
Silverberg
Total—54.

Singletary
Slay
Soniati
Tapper
Tate
Thistlethwaite
Thompson
Tobias

Toca
Triche
Vesich
Vick
Warren
Willis
Wisham
Zervigon

NAYS

Delegates—

Abraham
Aertker
Alario
Anzalone
Armentor
Asseff
Badeaux
Blair
Burns
Casey
Chatelain
Conroy
Corne
Cowen
Dennery
Derbes
Deshotels
Drew
Duval
Edwards
Total—59.

Elkins
Fayard
Fowler
Fulco
Giarrusso
Grier
Hardee
Heine
Jack
Juneau
Kilbourne
Kean
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
McDaniel
Martin
Munson

Nunez
Perez
Perkins
Rayburn
Reeves
Riecke
Robinson
Shannon
Smith
Stagg
Stephenson
Stinson
Stovall
Sutherland
Toomy
Velazquez
Weiss
Winchester
Womack

ABSENT

Delegates—

Mr. Chairman
Bollinger
Brown
Cannon
Dennis
Guidry
Hernandez
Total—19.

Jackson, A.
Kilpatrick
Lambert
LeBreton
Leithman
Lowe
Mauberret

Ourso
Segura
Taylor
Ullo
Wall

And the amendments were rejected.

Delegate Casey moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"The legislature shall provide by general law for the prosecution of tort claims against the state or its political subdivision. Any judgment rendered against the State of Louisiana or one of its political subdivisions shall be exigible, payable, and paid only out of funds appropriated by the legislature or the political subdivision concerned."

AMENDMENT No. 2—

Strike out Convention Floor Amendments No. 1 proposed by Delegate Avant and adopted by the Convention on July 26, 1973, Floor Amendments No. 1 and No. 2 proposed by Delegate Lanier, et al and adopted by the Convention on July 27, 1973, and Floor Amendment No. 1 proposed by the Delegate Casey and adopted by the Convention on July 27, 1973.

Delegate Burson moved the adoption of the amendments.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Aertker	Hayes	Schmitt
Arnette	Haynes	Silverberg
Avant	Jackson J.	Soniat
Bel	Jenkins	Tapper
Bergeron	Kean	Tate
Bollinger	Kelly	Thistlethwaite
Burson	Landrum	Thompson
Carmouche	Lennox	Tobias
Champagne	Miller	Triche
Chehardy	Mire	Velazquez
Conino	Newton	Vesich
De Blieux	O'Neill	Vick
Duval	Planchard	Warren
Flory	Rachal	Willis
Fontenot	Riecke	Wisham
Gauthier	Roemer	Zervigon
Gravel	Roy	
Guarisco	Sandoz	
Total—52.		

NAYS

Delegates—

Abraham	Elkins	Perez
Alario	Fayard	Perkins
Alexander	Fowler	Rayburn
Anzalone	Fulco	Reeves
Armentor	Giarrusso	Robinson
Asseff	Ginn	Shannon
Badeaux	Grier	Singletary
Blair	Hardee	Slay
Brien	Heine	Smith
Burns	Jack	Stagg
Casey	Juneau	Stephenson
Chatelain	Kilbourne	Stinson
Conroy	Landry A.	Stovall
Corne	Landry E. J.	Sutherland
Cowen	Lanier	Toca
Dennery	LeBleu	Toomy
Dennis	Leigh	Ullio
Derbes	Leithman	Weiss
Deshotels	McDaniel	Winchester
Drew	Martin	Womack
Dunlap	Munson	
Edwards	Nunez	
Total—64.		

ABSENT

Delegates—

Mr. Chairman	Jackson, A.	Ourso
Brown	Kilpatrick	Segura
Cannon	Lambert	Taylor
D'Gerolamo	LeBreton	Wall
Guidry	Lowe	
Hernandez	Mauberet	
Total—16.		

And the amendments were rejected.

Delegate Blair moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Landrum to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 6 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. The immunity of the state from suit and liability is hereby abolished."

AMENDMENT No. 2—

Strike out Convention Floor Amendments No. 1 proposed by Delegate Avant and adopted by the Convention on July

26, 1973, Floor Amendments No. 1 and No. 2 proposed by Delegate Lanier, et al and adopted by the Convention on July 27, 1973, and Floor Amendment No. 1 proposed by the Delegate Casey and adopted by the Convention on July 27, 1973.

Delegate Landrum moved the adoption of the amendments.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alexander	Haynes	Roy
Arnette	Jackson J.	Schmitt
Avant	Jenkins	Soniat
Bergeron	Kelly	Stovall
Burson	Landrum	Tapper
Conino	Lennox	Tobias
De Blieux	Miller	Triche
Dennis	Mire	Velazquez
Flory	Newton	Warren
Gauthier	O'Neill	Willis
Gravel	Rachal	Winchester
Guarisco	Reeves	Wisham
Hayes	Roemer	
Total—38.		

NAYS

Delegates—

Abraham	Edwards	Perez
Aertker	Elkins	Perkins
Alario	Fayard	Planchard
Anzalone	Fontenot	Rayburn
Asseff	Fowler	Riecke
Badeaux	Fulco	Robinson
Bel	Giarrusso	Sandoz
Blair	Ginn	Shannon
Bollinger	Grier	Silverberg
Brien	Hardee	Singletary
Burns	Heine	Slay
Carmouche	Jack	Smith
Casey	Juneau	Stagg
Champagne	Kean	Stephenson
Chatelain	Kilbourne	Stinson
Conroy	Landry A.	Sutherland
Corne	Landry E. J.	Thistlethwaite
Cowen	Lanier	Thompson
Dennery	Leigh	Toca
Derbes	Leithman	Toomy
Deshotels	McDaniel	Ullio
Drew	Martin	Weiss
Dunlap	Munson	Womack
Duval	Nunez	Zervigon
Total—72.		

ABSENT

Delegates—

Mr. Chairman	Jackson A.	Segura
Armentor	Kilpatrick	Tate
Brown	Lambert	Taylor
Cannon	LeBleu	Vesich
Chehardy	LeBreton	Vick
D'Gerolamo	Lowe	Wall
Guidry	Mauberet	
Hernandez	Ourso	
Total—22.		

And the amendments were rejected.

Delegate Stagg moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Kelly to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

On page 7, delete lines 6 through 11, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 14. (A) Neither the state nor any of its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property. (B) In other cases the legislature may authorize suit to be filed against the state, its agencies and political subdivisions and any concurrent resolution enacted for the purpose shall waive immunity from suit and liability. (C) The legislature shall provide for a method of procedure and the effects of the judgments which may be rendered in all cases against the state, its agencies and political subdivisions. (D) Public property and funds shall not be subject to seizure, and no judgment against the state, its agencies or political subdivision shall be exigible, payable, or paid except out of funds appropriated for payment by the state, its agencies or political subdivision against whom judgment is rendered."

AMENDMENT No. 2—

Strike out Convention Floor Amendments No. 1 proposed by Delegate Avant and adopted by the Convention on July 26, 1973, Floor Amendments No. 1 and No. 2 proposed by Delegate Lanier, et al and adopted by the Convention on July 27, 1973, and Floor Amendment No. 1 proposed by the Delegate Casey and adopted by the Convention on July 27, 1973.

Delegate Kelly moved the adoption of the amendments.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Gravel	Sandoz
Alexander	Guarisco	Schmitt
Arnette	Hardee	Silverberg
Avant	Hayes	Singletary
Bergeron	Haynes	Soniat
Bollinger	Jackson J.	Stovall
Burson	Jenkins	Tapper
Champagne	Kean	Tate
Conino	Kelly	Thistlethwaite
Corne	Landrum	Thompson
Cowen	Lennox	Tobias
De Blieux	Miller	Triche
Dennis	Mire	Velazquez
Dunlap	Newton	Vesich
Duval	O'Neill	Vick
Edwards	Planchard	Warren
Flory	Rachal	Willis
Fontenot	Reeves	Winchester
Gauthier	Roemer	Wisham
Ginn	Roy	

Total—59.

NAYS

Delegates—

Abraham	Fulco	Perkins
Anzalone	Giarrusso	Rayburn
Asseff	Grier	Riecke
Badeaux	Heine	Robinson
Bel	Jack	Shannon
Blair	Juneau	Slay
Brien	Kilbourne	Smith
Burns	Landry A.	Stagg
Carmouche	Landry E. J.	Stephenson
Casey	Lanier	Stinson
Chatelain	LeBleu	Sutherland
Conroy	Leigh	Toomy
Dennery	McDaniel	Uilo
Deshotels	Martin	Weiss
Drew	Munson	Womack
Elkins	Nunez	Zervigon
Fayard	Perez	

Total—50.

ABSENT

Delegates—

Mr. Chairman	Fowler	Lowe
Alario	Guidry	Mauberret
Armentor	Hernandez	Ourso
Brown	Jackson A.	Segura
Cannon	Kilpatrick	Taylor
Chehardy	Lambert	Toca
D'Gerolamo	LeBreton	Wall
Derbes	Leithman	

Total—23.

And the amendments were adopted.

Delegate Kelly moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Kelly moved the previous question on the entire subject matter.

Delegate Jack objected.

By a vote of 80 yeas and 26 nays the previous question was ordered on the entire subject matter.

Committee Proposal No. 3, Section 14, was read as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Gravel	Roemer
Aertker	Guarisco	Roy
Alexander	Hardee	Sandoz
Arnette	Hayes	Schmitt
Avant	Haynes	Segura
Bel	Heine	Silverberg
Bergeron	Jackson, J.	Singletary
Blair	Jenkins	Slay
Bollinger	Juneau	Soniat
Brien	Kean	Stephenson
Burns	Kelly	Stovall
Burson	Lambert	Tapper
Champagne	Landrum	Tate
Conino	Landry, E. J.	Thistlethwaite
Corne	Lennox	Thompson
Cowen	Martin	Tobias
De Blieux	Miller	Triche
Dennery	Mire	Vesich
Dennis	Newton	Vick
Dunlap	O'Neill	Warren
Duval	Perkins	Willis
Edwards	Planchard	Winchester
Flory	Rachal	Wisham
Fontenot	Rayburn	Zervigon
Gauthier	Reeves	
Ginn	Riecke	

Total—76.

NAYS

Delegates—

Abraham	Fulco	Robinson
Anzalone	Giarrusso	Shannon
Asseff	Grier	Smith
Badeaux	Jack	Stagg
Carmouche	Kilbourne	Stinson
Casey	Landry, A.	Sutherland
Chatelain	Lanier	Toomy
Conroy	Leigh	Uilo
Deshotels	McDaniel	Velazquez
Drew	Munson	Weiss
Elkins	Nunez	Womack
Fayard	Perez	

Total—35.

ABSENT

Delegates—

Alario	Chehardy	Guidry
Armentor	D'Gerolamo	Hernandez
Brown	Derbes	Jackson, A.
Cannon	Fowler	Kilpatrick

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LeBleu	Lowe	Taylor
LeBreton	Mauberrret	Toca
Leithman	Ourso	Wall
Total—21.		

And the Chair declared that the above Section was passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 15. Continuity of Government

Section 15. The legislature shall provide for the orderly and temporary continuity of state government, in periods of emergency, until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state. It shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unavailable to execute the functions of their offices.

Read.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, strike out lines 13 through 20 in their entirety and insert in lieu thereof the following:

"Section 15. The legislature, in order to insure continuity of state government in periods of emergency caused by enemy attack, shall have the power to provide for temporary succession to the powers and duties of public offices, whether filled by election or appointment, when the incumbents become unable to carry on the powers and duties of such offices."

Delegate Jenkins moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Landry, A.	Soniat
Bollinger	Leigh	Stinson
Burson	Lennox	Sutherland
Dennis	Nunez	Toomy
Flory	O'Neill	Ullio
Giarrusso	Perez	Velazquez
Ginn	Riecke	Vick
Guarisco	Robinson	Weiss
Hayes	Roy	Wisham
Heine	Segura	Zervigon
Jackson, J.	Shannon	
Jenkins	Silverberg	
Total—34.		

NAYS

Delegates—		
Abraham	Brien	De Blieux
Alexander	Burns	Dennery
Anzalone	Carmouche	Deshotels
Asseff	Casey	Drew
Avant	Champagne	Duval
Badeaux	Chatelain	Edwards
Bel	Conroy	Elkins
Bergeron	Corne	Fayard
Blair	Cowen	Fowler

Fulco	Martin
Gauthier	Miller
Grier	Mire
Hardee	Munson
Jack	Newton
Juneau	Perkins
Kean	Planchard
Kilbourne	Rachal
Lambert	Rayburn
Landrum	Reeves
Landry, E. J.	Sandoz
Lanier	Schmitt
Leithman	Singletary
McDaniel	Slay
Total—67.	

ABSENT

Delegates—		
Mr. Chairman	Fontenot	Mauberrret
Alario	Gravel	Ourso
Armentor	Guidry	Roemer
Arnette	Haynes	Tapper
Brown	Hernandez	Tate
Cannon	Jackson, A.	Taylor
Chehardy	Kelly	Tobias
Conino	Kilpatrick	Vesich
D'Gerolamo	LeBleu	Wall
Derbes	LeBreton	
Dunlap	Lowe	
Total—31.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Stagg and Abraham to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 17, immediately after the period "." and before the word "shall" delete the word "It" and insert in lieu thereof the following:

"Except as otherwise provided in this constitution, it"

Delegate Stagg moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 88 yeas and 16 nays the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 15, was read, as amended.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chatelain	Fowler
Abraham	Conino	Fulco
Alexander	Corne	Giarrusso
Avant	Cowen	Ginn
Badeaux	D'Gerolamo	Guarisco
Bel	De Blieux	Hardee
Bergeron	Dennery	Hayes
Blair	Drew	Heine
Bollinger	Dunlap	Jack
Brien	Duval	Kean
Burns	Edwards	Kelly
Burson	Elkins	Kilbourne
Carmouche	Fayard	Lambert
Casey	Flory	Landrum

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Landry, A.	Rayburn	Tate
Landry, E. J.	Reeves	Thistlethwaite
Lanier	Riecke	Thompson
Leigh	Robinson	Tobias
Leithman	Sandoz	Toca
Lennox	Schmitt	Toomy
McDaniel	Segura	Ullo
Martin	Shannon	Vesich
Miller	Silverberg	Warren
Mire	Singletary	Weiss
Newton	Slay	Willis
Nunez	Smith	Winchester
Perkins	Stagg	Wisham
Planchard	Stephenson	Womack
Rachal	Stinson	
Total—86.		

NAYS

Delegates—		
Aertker	O'Neill	Stovall
Dennis	Perez	Velazquez
Jackson, J.	Roy	Vick
Jenkins	Soniati	Zervigon
Total—12.		

ABSENT

Delegates—		
Alario	Fontenot	LeBreton
Anzalone	Gauthier	Lowe
Armentor	Gravel	Mauberrret
Arnette	Grier	Munson
Asseff	Guidry	Ourso
Brown	Haynes	Roemer
Cannon	Hernandez	Sutherland
Champagne	Jackson, A.	Tapper
Chehardy	Juneau	Taylor
Conroy	Kilpatrick	Triche
Derbes	LeBleu	Wall
Deshotels		
Total—34.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 16. Style of Laws; Enacting Clause

Section 16. The style of the laws of this state shall be: "Be it enacted by the Legislature of Louisiana." It shall not be necessary to repeat the enacting clause after the first section of an act.

Read.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, immediately after the word "laws" and before the words "of this state" insert the following: "enacted by the legislature"

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 16, was read, as amended.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Grier	Robinson
Abraham	Guarisco	Roy
Aertker	Hardee	Sandoz
Alexander	Hayes	Schmitt
Asseff	Heine	Segura
Avant	Jack	Shannon
Badeaux	Jackson, J.	Silverberg
Bel	Jenkins	Singletary
Bergeron	Juneau	Soniati
Blair	Kean	Stagg
Bollinger	Kilbourne	Stephenson
Brien	Lambert	Stinson
Burns	Landrum	Stovall
Carmouche	Landry, A.	Sutherland
Casey	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Corne	Leigh	Thompson
Cowen	Leithman	Tobias
De Blieux	Lennox	Toca
Dennery	Martin	Toomy
Dennis	Miller	Triche
Drew	Mire	Ullo
Dunlap	Newton	Velazquez
Duval	Nunez	Vesich
Edwards	O'Neill	Vick
Elkins	Perez	Warren
Fayard	Perkins	Weiss
Flory	Planchard	Willis
Fowler	Rachal	Winchester
Fulco	Rayburn	Wisham
Gauthier	Reeves	Womack
Giarrusso	Riecke	Zervigon
Ginn		
Total—97.		

Total—0.

NAYS

ABSENT

Delegates—		
Alario	Derbes	Lowe
Anzalone	Deshotels	McDaniel
Armentor	Fontenot	Mauberrret
Arnette	Gravel	Munson
Brown	Guidry	Ourso
Burson	Haynes	Roemer
Cannon	Hernandez	Slay
Champagne	Jackson, A.	Smith
Chatelain	Kelly	Tapper
Chehardy	Kilpatrick	Taylor
Conroy	LeBleu	Wall
D'Gerolamo	LeBreton	
Total—35.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 17. Passage of Bills

Section 17 (A) The legislature shall enact no law except by a bill, and shall propose no amendment to the constitution except by a joint resolution, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object and shall contain a brief title indicative of its object.

(B) All bills enacting, amending, or reviving laws shall set forth completely the provisions of the laws enacted, amended, or revived, and no system or code of laws shall be adopted by general reference to such system or code of laws.

(C) No bill shall be amended in its passage through either house so as to make a change not germane to the bill as originally introduced.

(D) Every bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless it has been reported on by a committee.

(E) No bill which has been rejected by either house may again be proposed or considered in the same house during the same session without the consent of a majority of the members elected to the house which rejected it.

(F) No amendments to bills by one house shall be concurred in by the other, nor shall any conference committee report be concurred in by either house except by the same

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vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) No bill shall become law without the concurrence of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. At the request of one-fifth of the members elected to either house, a record vote shall be taken on any other measure or for any other purpose.

Read.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 28, immediately after the word "bill" and before the comma ",", insert the words "introduced during a session of the legislature"

AMENDMENT No. 2—

On page 7, line 29, immediately after the word "resolution" and before the comma ",", insert the words "introduced during a session of the legislature"

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 32, immediately after the word "and" and before the word "shall" insert the words "every bill"

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, at the end of line 1 insert the following:
"No action on any matter intended to have the effect of law shall be taken except in open, public meeting."

Delegate Jenkins moved the adoption of the amendment.

Delegate Cowen objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Aertker
Alexander
Anzalone
Arnette
Asseff
Avant
Badeaux
Bergeron
Blair
Bollinger
Brien
Burson
Carmouche
Casey
Champagne
Chatelain
Conino
Conroy
Corne
De Blieux
Dennery
Deshotels
Drew
Dunlap
Duval
Fayard
Flory
Fontenot
Total—90.

Fowler
Fulco
Gauthier
Giarrusso
Ginn
Guarisco
Hardee
Hayes
Heine
Jack
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
Leigh
Leithman
Lennox
Mire
O'Neill
Perez
Perkins
Rayburn
Riecke
Robinson
Roy
Schmitt
Segura
Shannon
Silverberg
Singletary
Slay
Smith
Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Triche
Ullo
Velazquez
Warren
Weiss
Willis
Winchester
Womack
Zervigon

NAYS

Delegates—
Cowen
Elkins
Total—6.

Grier
McDaniel
Miller
Newton

ABSENT

Delegates—
Alario
Armentor
Bel
Brown
Burns
Cannon
Chehardy
D'Gerolamo
Dennis
Derbes
Edwards
Gravel
Total—36.

Guidry
Haynes
Hernandez
Jackson, A.
Kilpatrick
LeBleu
LeBreton
Lowe
Martin
Maubertret
Munson
Nunez
Ourso
Planchard
Rachal
Reeves
Roemer
Sandoz
Tapper
Taylor
Vesich
Vick
Wall
Wisham

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 11 after the word "unless" and before the word "it" insert the following:
"and until a public hearing has been held on such bill and"

On motion of Delegate Flory the amendment was adopted.

Delegate Flory moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 17, was read, as amended.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Perkins
Abraham	Fowler	Planchard
Aertker	Fulco	Rayburn
Alexander	Gauthier	Riecke
Anzalone	Giarrusso	Robinson
Arnette	Ginn	Roy
Asseff	Grier	Schmitt
Avant	Guarisco	Segura
Badeaux	Hardee	Shannon
Bergeron	Hayes	Silverberg
Blair	Heine	Singletary
Bollinger	Jack	Slay
Brien	Jackson J.	Smith
Burson	Jenkins	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Sutherland
Conino	Lambert	Tate
Conroy	Landrum	Thistlethwaite
Corne	Landry, A.	Thompson
Cowen	Landry, E. J.	Tobias
De Blieux	Lanier	Toca
Dennerly	Leigh	Toomy
Dennis	Leithman	Triche
Deshotels	Lennox	Ullo
Drew	McDaniel	Warren
Dunlap	Miller	Weiss
Juval	Mire	Willis
Elkins	Newton	Winchester
Fayard	O'Neill	Womack
Flory	Perez	Zervigon
Total—96.		

NAYS

Total—0.

ABSENT

Delegates—		
Alario	Haynes	Rachal
Armentor	Hernandez	Reeves
Bel	Jackson, A.	Roemer
Brown	Kilpatrick	Sandoz
Burns	LeBleu	Stovall
Cannon	LeBreton	Tapper
Chehardy	Lowe	Taylor
D'Gerolamo	Martin	Velazquez
Derbes	Mauberet	Vesich
Edwards	Munson	Vick
Gravel	Nunez	Wall
Guidry	Ourso	Wisham
Total—36.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 18. Appropriations

Section 18. (A) No money shall be withdrawn from the state treasury except through specific appropriation, and no appropriation of money shall be made for contingencies or for longer than two years.

(B) All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(C) The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt and interest thereon.

(D) All other bills for appropriating money shall be for a specific purpose and for a specific amount.

(E) Any bill appropriating money in an extraordinary session of the legislature convened after final adjournment

of the regular session held in the last year of the term of office of a governor, except for expenses of the legislature, shall require the approval of three-fourths of the elected members of each house.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 30, after the word "than" delete the remainder of the line and insert in lieu thereof the words "one year."

Delegate Rayburn moved the adoption of the amendment.

Delegate Casey objected.

The previous question was ordered.

On motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 8 through 13 in their entirety.

Delegate Casey moved the adoption of the amendment.

Delegate Juneau objected.

By a vote of 42 yeas and 52 nays the amendment was rejected.

Delegate Juneau moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 29, after the word "made" and before the word "contingencies" delete the word "for" and insert in lieu thereof the following:
"under the heading of"

On motion of Delegate De Blieux the amendment was adopted.

Delegate De Blieux moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Womack sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Womack to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 28, immediately after the word "and" and before the word "no" insert the following:
 "except as otherwise provided in this constitution,"

AMENDMENT No. 2—

On page 8, line 29, immediately after the word "contingencies" place a comma "," and delete the word "or" and insert the following:
 "nor shall any appropriation be made"

On motion of Delegate Womack the amendments were adopted.

Delegate Womack moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 18, was read, as amended.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Riecke
Abraham	Giarrusso	Robinson
Aertker	Ginn	Roemer
Alexander	Grier	Roy
Anzalone	Guarisco	Schmitt
Arnette	Hardee	Segura
Avant	Hayes	Shannon
Badeaux	Heine	Silverberg
Blair	Jack	Singletary
Bollinger	Jackson J.	Slay
Brien	Jenkins	Smith
Burns	Kelly	Soniat
Burson	Lambert	Stagg
Carmouche	Landrum	Stinson
Casey	Landry A.	Stovall
Champagne	Landry E. J.	Sutherland
Chatelain	Lanier	Tate
Conino	LeBleu	Thistlethwaite
Conroy	Leigh	Thompson
Corne	Leithman	Tobias
De Blieux	Lennox	Toca
Dennery	McDaniel	Toomy
Dennis	Miller	Triche
Drew	Mire	Ullo
Dunlap	Newton	Velazquez
Duval	O'Neill	Warren
Elkins	Perez	Weiss
Fayard	Perkins	Willis
Flory	Planchard	Winchester
Fontenot	Rachal	Womack
Fowler	Rayburn	Zervigon
Fulco	Reeves	

Total—95.

NAYS

Total—0.

ABSENT

Delegates—		
Alario	Gravel	Munson
Armentor	Guidry	Nunez
Asseff	Haynes	Ourso
Bel	Hernandez	Sandoz
Bergeron	Jackson A.	Stephenson
Brown	Juneau	Tapper
Cannon	Kean	Taylor
Chehardy	Kilbourne	Vesich
Cowen	Kilpatrick	Vick
D'Gerolamo	LeBreton	Wall
Derbes	Lowe	Wisham
Deshotels	Martin	
Edwards	Mauberret	

Total—37.

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 19. Signing of Bills; Delivery to Governor

Section 19. (A) A bill that has been passed by both houses of the legislature shall be signed by the presiding officers of both houses and shall be submitted to the governor for his signature or other action. Delivery to the governor shall be within three days after passage.

(B) No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Rayburn
Abraham	Fulco	Reeves
Aertker	Gauthier	Riecke
Alexander	Giarrusso	Robinson
Anzalone	Ginn	Roy
Arnette	Grier	Schmitt
Asseff	Hardee	Segura
Avant	Hayes	Shannon
Badeaux	Heine	Silverberg
Bergeron	Jack	Singletary
Blair	Juneau	Slay
Bollinger	Kean	Smith
Brien	Kelly	Soniat
Burns	Kilbourne	Stagg
Burson	Lambert	Stovall
Carmouche	Landrum	Sutherland
Casey	Landry, A.	Tapper
Champagne	Landry, E. J.	Tate
Chatelain	Lanier	Thistlethwaite
Conino	LeBleu	Thompson
Conroy	Leigh	Toca
Corne	Leithman	Toomy
Cowen	Lennox	Triche
De Blieux	McDaniel	Ullo
Dennis	Miller	Velazquez
Drew	Mire	Vick
Dunlap	Newton	Warren
Duval	Nunez	Weiss
Elkins	O'Neill	Willis
Fayard	Perez	Winchester
Flory	Perkins	Womack
Fontenot	Planchard	Zervigon

Total—96.

NAYS

Delegates—		
Jenkins	Stinson	Tobias
Roemer		

Total—4.

ABSENT

Delegates—		
Alario	Gravel	Mauberret
Armentor	Guarisco	Munson
Bel	Guidry	Ourso
Brown	Haynes	Rachal
Cannon	Hernandez	Sandoz
Chehardy	Jackson, A.	Stephenson
D'Gerolamo	Jackson, J.	Taylor
Dennery	Kilpatrick	Vesich
Derbes	LeBreton	Wall
Deshotels	Lowe	Wisham
Edwards	Martin	

Total—32.

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed and, on his own motion, the motion to reconsider was laid on the table.

Section 20. Signature of Governor on Bills; Veto

Section 20. (A) A bill, except a joint resolution, shall become law if the governor does not sign or veto the bill within ten days after its delivery to him if the legislature

is in session or within twenty days if the legislature is adjourned.

(B) If the governor does not approve of a bill, he may veto it and return it to the legislature, with his veto message, within twelve days after its delivery to him if the legislature is in session. If the legislature has adjourned before the governor vetoes or returns one or more bills, he shall return them, with his veto message, to the legislature as provided by law. Any bill thus returned by the governor and subsequently approved by two-thirds of the elected members of each house shall become law.

(C) The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the thirty-fifth day following the sine die adjournment of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor, except that if such day falls on a Sunday the session shall convene at noon on the next succeeding Monday. No veto session shall exceed five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a simple majority of the elected members of either or both houses indicate in writing that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective houses at least two days prior to the day on which the veto session is to convene.

Read.

Delegate Womack sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kilpatrick and Womack to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 5 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

“(C) The presiding officers of both houses shall convene the legislature in veto session upon the written request therefor, by at least a majority of the members elected to each house, on the thirty-fifth day after final adjournment of each session, for the sole purpose of reconsidering the bills vetoed by the governor. The veto session shall not exceed five consecutive days.”

Delegate Womack moved the adoption of the amendment.

Delegate Juneau objected.

Motion

Delegate Kean moved the previous question on the amendment.

Delegate Fontenot objected.

By a vote of 46 yeas and 60 nays the Convention refused to order the previous question.

Delegate Womack moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Avant	Haynes	Soniat
Dunlap	Jack	Velazquez
Flory	Leigh	Womack
Fontenot	Roy	
Fowler	Shannon	
Total—13.		

NAYS

Delegates—

Abraham	Giarrusso
Alexander	Ginn
Anazalone	Grier
Arnette	Hardee
Asseff	Hayes
Badeaux	Heine
Bergeron	Jackson, J.
Blair	Jenkins
Bollinger	Juneau
Brien	Kean
Burns	Kelly
Burson	Kilbourne
Carmouche	Landrum
Casey	Landry, A.
Champagne	Landry, E. J.
Chatelain	Lanier
Conino	LeBleu
Conroy	Leithman
Corne	Lennox
Cowen	McDaniel
De Blieux	Miller
Dennis	Mire
Drew	Newton
Duval	Nunez
Elkins	O'Neill
Fayard	Perez
Fulco	Perkins
Gauthier	Planchard
Total—82.	

ABSENT

Delegates—

Mr. Chairman	Gravel	Sandoz
Aertker	Guarisco	Segura
Alario	Guidry	Stephenson
Armentor	Hernandez	Tate
Bel	Jackson, A.	Taylor
Brown	Kilpatrick	Thompson
Cannon	Lambert	Toca
Chehardy	LeBreton	Vesich
D'Gerolamo	Lowe	Wall
Dennery	Martin	Willis
Derbes	Mauberret	Wisham
Deshotels	Munson	
Edwards	Ourso	
Total—37.		

And the amendment was rejected.

Delegate Tapper moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 19, immediately after the word “least” and before the word “days”, delete the word “two” and insert in lieu thereof the word “five”

Delegate De Blieux moved the adoption of the amendment.

Delegate Juneau objected.

By a vote of 86 yeas and 3 nays the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tapper sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tapper to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

On page 9 line 29 after the word "and" and before the word "return" insert the word "shall"

On motion of Delegate Tapper the amendment was adopted.

Delegate Tapper moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Be Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10 line 14 after the words "vote of" and before the words "of the" delete the word "two-thirds" and insert in lieu thereof the words "a majority"

Delegate De Blieux moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 35 yeas and 55 nays the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegates Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 6, after the word "the" delete the word "thirty-fifth" and insert in lieu thereof the word "fortieth"

On motion of Delegate DeBlieux the amendment was adopted.

Delegate De Blieux moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 20, was read, as amended.

Delegate Juneau moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Corne	Heine
Abraham	Cowen	Jack
Alexander	De Blieux	Jackson, J.
Anzalone	Dennis	Jenkins
Arnette	Drew	Juneau
Asseff	Dunlap	Kelly
Badeaux	Duval	Landrum
Blair	Elkins	Landry, A.
Bollinger	Fayard	Landry, E. J.
Brien	Fontenot	Lanier
Burns	Fulco	LeBleu
Burson	Gauthier	Leigh
Carmouche	Giarrusso	Leithman
Casey	Ginn	Lennox
Champagne	Grier	McDaniel
Chatelain	Hardee	Miller
Conino	Hayes	Mire
Conroy	Haynes	Newton

Nunez
O'Neill
Perez
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Roy
Schmitt
Total—91.

Shannon
Silverberg
Singletary
Smith
Soniatt
Slagg
Stinson
Stovall
Sutherland
Tapper
Tate
Thistlethwaite
Thompson

Tobias
Toca
Toomy
Triche
Ullo
Vick
Warren
Weiss
Willis
Winchester
Zervigon

Delegates—
Avant
Total—2.

NAYS
Flory

Delegates—
Aertker
Alario
Armentor
Bel
Bergeron
Brown
Cannon
Chehardy
D'Gerolamo
Dennery
Derbes
Deshotels
Edwards
Total—40.

ABSENT

Fowler
Gravel
Guarisco
Guidry
Hernandez
Jackson, A.
Kean
Kilbourne
Kilpatrick
Lambert
LeBreton
Lowe
Martin
Mauberret
Munson
Ourso
Sandoz
Segura
Slay
Stephenson
Taylor
Velazquez
Vesich
Wall
Wisham
Womack

And the Chair declared that the above Section was passed.

Delegate Juneau moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tobias, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE PROPOSAL No. 19—

Introduced by Delegate Velazquez:
A PROPOSAL

To provide for the Public Service Commission and necessary provisions.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Wednesday, August 1, 1973, after adjournment in Committee Room No. 1 and will consider the following agenda:

AGENDA

To continue consideration of Resolutions referred to the Committee.

The meeting for Friday, July 27, previously announced is hereby cancelled.

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly

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posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on The Executive Department will meet on Tuesday, July 31, 1973, at 5:00 o'clock p.m. in Committee Rm. 1 and will consider the following agenda:

AGENDA

To Review Committee Proposal No. 4.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, August 2, 1973, at 9:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

Continuation of hearings on education.

Continuation of consideration of proposals referred to the committee to wit:

Delegate Proposal 8
Delegate Proposal 9
Delegate Proposal 10
Committee Proposal 7

Respectfully submitted,

ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate LeBreton, chairman of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Friday, August 3, 1973, at 11:45 o'clock A.M. in The Ante Room, White House Inn and will consider the following agenda:

AGENDA

Discussion of categories into which material within the jurisdiction of each substantive committee may be divided.

Respectfully submitted,

EDWARD LeBRETON, JR.,
Chairman of the Committee on
Legislative Liaison and
Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday and Friday, August 2nd and 3rd, 1973, at 9:00 o'clock A.M. in Committee Room No. 4 and will consider the following agenda:

AGENDA

To continue consideration of the proposed article on Revenue, Finance and Taxation.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday and Friday, August 2nd and 3rd, 1973, at 9:00 o'clock A.M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To continue consideration of Committee Proposal No. 17 and Delegate Proposal No. 1.

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on The Judiciary, sent up the following notice:

The Committee on The Judiciary will meet on Thursday and Friday, August 2 and 3, 1973, at 9:30 o'clock A.M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

To continue consideration of Committee Proposal No. 6.

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on
The Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, August 2, 1973, at 9:00 o'clock A.M. in A Room to be announced and will consider the following agenda:

AGENDA

Continue discussion of election provisions.

Respectfully submitted,

JUDY DUNLAP,
Vice-Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

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Adjournment

Delegate Tobias moved that the Convention do now adjourn until Saturday, July 28, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, July 28, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

TWENTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, July 28, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Rayburn
Abraham	Giarrusso	Reeves
Aertker	Ginn	Riecke
Alexander	Gravel	Robinson
Anzalone	Grier	Roemer
Arnette	Guarisco	Roy
Asseff	Hardee	Schmitt
Avant	Hayes	Segura
Badeaux	Haynes	Shannon
Bel	Heine	Silverberg
Bergeron	Hernandez	Singletary
Blair	Jack	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kean	Stinson
Carmouche	Kelly	Stovall
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlewaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leithman	Toca
Cowen	Lennox	Toomy
D'Gerolamo	Lowe	Triche
De Blieux	McDaniel	Uilo
Dennis	Mauberret	Velazquez
Deshotels	Miller	Vesich
Drew	Mire	Vick
Dunlap	Munson	Warren
Duval	Newton	Weiss
Elkins	Nunez	Willis
Fayard	O'Neill	Winchester
Flory	Perez	Wisham
Fontenot	Perkins	Womack
Fowler	Planchard	Zervigon
Fulco	Rachal	

Total—113.

ABSENT

Delegates—		
Alario	Guidry	Ourso
Armentor	Jackson, A.	Sandoz
Brown	Kilbourne	Stephenson
Cannon	Kilpatrick	Taylor
Dennery	LeBreton	Wall
Derbes	Leigh	
Edwards	Martin	

Total—19.

The Chairman announced that there were 113 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stagg.

Pledge of Allegiance

Delegate Uilo led the Convention in reciting the Pledge of
Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bergeron, the reading of the Journal
was dispensed with.

On motion of Delegate Bergeron, the Journal of yesterday
was adopted.

Morning Hour

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals
on second reading to be referred to committees were taken
up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 19—

Introduced by Delegate Velazquez:

A PROPOSAL

To provide for the Public Service Commission and necessary
provisions.

Read.

Under the rules the above proposal was referred to the
Committee on Executive Department.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Delegate and Committee Proposals

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage.

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the
Committee on Legislative Powers and Functions, and Dele-
gates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Lan-
drum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of govern-
ment, impeachment and removal of officials, and neces-
sary provisions with respect thereto.

Read.

Section 21. Effective Date of Laws

Section 21. All laws shall be published as provided by law
and shall take effect on the sixtieth day after final adjourn-
ment of the session in which they were enacted. However,
any bill may specify an earlier or later effective date.

Read.

Delegate Jenkins sent up floor amendments, which were
read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee
Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 22, immediately after the word "published"
and before the word "as" insert the words "in the official
journal of the state"

AMENDMENT No. 2—

On page 10, line 23, immediately after the word "and" and
before the word "shall" insert the word "thereafter"

On motion of Delegate Jenkins the amendments were
adopted.

Delegate Jenkins moved to reconsider the motion by which

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the amendment were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 21, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Riecke
Abraham	Gauthier	Robinson
Aertker	Giarrusso	Roy
Anzalone	Gravel	Shannon
Arnette	Grier	Silverberg
Asseff	Hardee	Singletary
Avant	Hayes	Slay
Badeaux	Heine	Smith
Bel	Hernandez	Soniat
Bergeron	Jenkins	Stagg
Blair	Juneau	Stovall
Bollinger	Kean	Sutherland
Brien	Kelly	Tate
Burns	Landry, A.	Thistlethwaite
Carmouche	Landry, E. J.	Thompson
Casey	Lanier	Tobias
Champagne	LeBleu	Toca
Chatelain	Leithman	Toomy
Conino	Lennox	Triche
Conroy	McDaniel	Ullo
Corne	Miller	Velazquez
Cowen	Munson	Vesich
Deshotels	Nunez	Vick
Drew	O'Neill	Warren
Duval	Perkins	Weiss
Elkins	Planchard	Willis
Flory	Rachal	Wisham
Fontenot	Rayburn	Womack
Fowler	Reeves	Zervigon
Total—87.		

NAYS

Total—0.

ABSENT

Delegates—		
Alario	Ginn	Mauberret
Alexander	Guarisco	Mire
Armentor	Guidry	Newton
Brown	Haynes	Ourso
Burson	Jack	Perez
Cannon	Jackson, A.	Roemer
Chehardy	Jackson, J.	Sandoz
D'Gerolamo	Kilbourne	Schmitt
De Blieux	Kilpatrick	Segura
Dennery	Lambert	Stephenson
Dennis	Landrum	Stinson
Derbes	LeBreton	Tapper
Dunlap	Leigh	Taylor
Edwards	Lowe	Wall
Fayard	Martin	Winchester
Total—45.		

And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 22. Suspension of Laws

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. The vote thereon shall be by record vote.

Read.

Delegate Avant sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 30, at the end of the line add the following:

"Any such suspension shall be approved in writing by the governor before becoming effective."

Delegate Avant moved the adoption of the amendment.

Delegate Asseff objected.

By a vote of 19 yeas and 82 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 30, after the word and punctuation "suspended," and before the word "The" insert the following: "No law suspended after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die of the next succeeding regular session of the legislature."

On motion of Delegate Perez the amendment was withdrawn.

Delegate Perez sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 30, after the word and punctuation "suspended," and before the word "The" insert the following:

"No resolution suspending a law or part of a law after the effective date of this constitution shall remain in effect beyond the time of adjournment sine die of the next succeeding regular session of the legislature."

Delegate Perez moved the adoption of the amendment.

Delegate Riecke objected.

By a vote of 84 yeas and 16 nays the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 29, immediately after the word "same" and before the word "vote" insert the following:

"committee hearing and"

On motion of Delegate De Blieux the amendment was withdrawn.

Delegate De Blieux sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 28, immediately after the word "only" and before the word "by" insert the following:
"after committee hearing and"

Delegate De Blieux moved the adoption of the amendment

Delegate Casey objected.

By a vote of 43 yeas and 52 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 30, at the end of the line, add the following:

"Any measure to suspend a law or portion thereof shall be adopted by the same procedure as for a bill. However, such measure shall not be subject to gubernatorial veto nor time limitations with respect to introduction"

Delegate Flory moved the adoption of the amendment.

Delegate Willis objected.

By a vote of 66 yeas and 30 nays the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Jenkins moved that the Convention postpone further action on Section 22 at this time.

Delegate Weiss objected.

By a vote of 27 yeas and 64 nays the Convention refused to postpone further action on Section 22 at this time.

Motion

On motion of Delegate Blair the previous question was ordered.

Motion

Delegate E. J. Landry moved to reconsider the vote by which the previous question was ordered.

Delegate Bollinger objected.

By a vote of 88 yeas and 10 nays the vote by which the previous was ordered was reconsidered.

Motion

Delegate Blair had moved the passage of the Section.

As a substitute, Delegate Perez moved that the Convention postpone further action on Section 22 at this time.

The vote recurred on the substitute motion.

By a vote of 72 yeas and 26 nays the Convention postponed further action on Section 22 at this time.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 23. The legislature may authorize the organization of corporations for perpetual or indefinite duration. However, every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by law. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation.

Read.

Delegate Kean sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law."

Delegate Kean moved the adoption of the amendment.

Delegate Reeves objected.

By a vote of 72 yeas and 24 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 23, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Newton
Abraham	Gauthier	Nunez
Aertker	Giarrusso	O'Neill
Anzalone	Ginn	Perez
Arnette	Gravel	Perkins
Asseff	Grier	Planchard
Avant	Guarisco	Riecke
Badeaux	Hardee	Roy
Blair	Hayes	Schmitt
Bollinger	Haynes	Shannon
Burns	Heine	Silverberg
Burson	Hernandez	Singletary
Carmouche	Jack	Slay
Casey	Jenkins	Smith
Champagne	Juneau	Stinson
Chatelain	Kean	Sutherland
Conino	Kelly	Tate
Conroy	Lambert	Tobias
Corne	Landry, A.	Toomy
Cowen	Landry, E. J.	Triche
De Blieux	Lanier	Ullo
Deshotels	Leithman	Velazquez
Drew	Lennox	Vesich
Dunlap	Lowe	Weiss
Duval	McDaniel	Willis
Elkins	Maubert	Winchester
Fayard	Miller	Wisham
Flory	Mire	Zervigon
Total—84.		

NAYS

Delegates—		
Bergeron	Brien	Dennis

Jackson, J. Landrum LeBleu Total—12.	Rachal Reeves Roemer	Stovall Tapper Thompson
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ABSENT

Delegates— Alario Alexander Armentor Bel Brown Cannon Chehardy D'Gerolamo Dennery Derbes Edwards Fowler Total—36.	Fulco Guidry Jackson, A. Kilbourne Kilpatrick LeBreton Leigh Martin Munson Ourso Rayburn Robinson	Sandoz Segura Soniak Stagg Stephenson Taylor Thistlethwaite Toca Vick Wall Warren Womack
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And the Chair declared that the above Section was passed.

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 24 State and District Offices; Impeachment; Conviction; Effect

Section 24. (A) All state and district officers, whether elected or appointed, shall be liable to impeachment for felonies, incompetency, corruption, extortion, oppression in office, gross misconduct, or habitual drunkenness.

(B) All impeachments shall be by the House of Representatives and shall require the favorable vote of at least a majority of the elected members thereof. Impeachments shall be tried by the Senate. Two-thirds of the members elected to the Senate shall be necessary to convict. The Senate may sit for said purpose whether or not the House is in session and may adjourn as it thinks proper.

(C) Judgment of conviction in impeachment cases removes and debars the person from holding any office under the state, but neither conviction nor acquittal shall prevent prosecution and punishment otherwise according to law. Impeachment shall suspend any officer except the governor or acting governor, and the appointing authority shall make an interim appointment until decision of impeachment.

Read.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 8, delete the words "impeachment and"

AMENDMENT No. 2—

On page 11, delete lines 7 through 26, both inclusive in their entirety.

On motion of Delegate Stagg the amendments were withdrawn.

Delegate Gravel sent up floor amendments, which were read as follows:

Amendment proposed by Delegates Gravel, Abraham, Jack, Blair and O'Neill to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11 delete lines 7 through 26 in their entirety and insert in lieu thereof the following:

"Section 24. Impeachment

Section 24. (A) Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office, or for gross misconduct.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office and shall prohibit the official from holding any office under the government of this state or any of its political subdivisions. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute."

Delegate Gravel moved the adoption of the amendment.

Delegate Warren objected.

By a vote of 88 yeas and 9 nays the amendments were adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

In Floor Amendment No. 1 proposed by Delegate Gravel, et al. and adopted by the convention on July 28, 1973, on line 3, after the words "impeachment for" and before the words "conviction of felonies" delete the words "commission or"

Delegate Drew moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 38 yeas and 55 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11 delete lines 7 through 26 in their entirety and insert in lieu thereof the following:

"Section 24. Impeachment

Section 24. (A) Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office, or for gross misconduct.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute."

AMENDMENT No. 2—

Strike out Convention Floor Amendment No. 1 proposed by Delegate Gravel, et al. and adopted by the Convention on July 28, 1973.

Delegate Roy moved the adoption of the amendments.

Delegate Stagg objected.

By a vote of 62 yeas and 37 nays the amendments were adopted.

Delegate Roy moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bergeron sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bergeron and Champagne to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

In Floor Amendment No. 1 proposed by Delegate Roy et al. and adopted by the convention on July 28, 1973, delete lines 1 through 5 both inclusive in their entirety and insert in lieu thereof the following:

"Section 24. (A) Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies, malfeasance, or for gross misconduct during his term of office."

Delegate Bergeron moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 73 yeas and 13 nays the amendment was adopted.

Delegate Bergeron moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 24, was read as amended.

Delegate O'Neill moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Rachal
Abraham	Ginn	Reeves
Alexander	Gravel	Riecke
Avant	Grier	Roy
Badeaux	Guarisco	Schmitt
Bergeron	Hardee	Segura
Blair	Heine	Shannon
Bollinger	Hernandez	Silverberg
Brien	Jack	Singletary
Burns	Jenkins	Slay
Burson	Juneau	Smith
Carmouche	Kean	Soniat
Casey	Kelly	Stinson
Champagne	Lambert	Stovall
Chatelain	Landry, A.	Sutherland
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	Leithman	Tobias
Cowen	Lennox	Toomy
De Blieux	McDaniel	Triche
Dennis	Maubert	Ullo
Deshotels	Mire	Velazquez
Drew	Newton	Warren
Dunlap	Nunez	Weiss
Duval	O'Neill	Willis
Elkins	Perez	Winchester
Fayard	Perkins	Wisham
Flory	Planchard	Zervigon
Fontenot		
Total—85.		

NAYS

Delegates—		
Anzalone	Asseff	Stagg
Arnette	Miller	
Total—5.		

ABSENT

Delegates—		
Aertker	Guidry	Ourso
Alario	Hayes	Rayburn
Armentor	Haynes	Robinson
Bel	Jackson, A.	Roemer
Brown	Jackson, J.	Sandoz
Cannon	Kilbourne	Stephenson
Chehardy	Kilpatrick	Tapper
D'Gerolamo	Landrum	Taylor
Dennery	LeBleu	Thompson
Derbes	LeBreton	Toca
Edwards	Leigh	Vesich
Fowler	Lowe	Vick
Fulco	Martin	Wall
Gauthier	Munson	Womack
Total—42.		

And the Chair declared that the above Section was passed.

Delegate O'Neill moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 25. Removal on Address by Legislature

Section 25. For any reasonable cause, whether or not sufficient for impeachment, upon the address of two-thirds of the members elected to each house of the legislature and after a public hearing by the committee of the whole in each house, any officer except the governor or acting governor may be removed from office. Any officer so removed shall be ineligible to succeed himself. The cause or causes for which such removal is made shall be stated at length in the address.

Delegate Fayard sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Fayard, Juneau, Sutherland, Newton, Zervigon, J. Jackson, Romer, Anzalone, Reeves, Roy, Riecke and Lennox to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11 strike out lines 27 through 32 in their entirety and on page 12 strike out lines 1 through 4 in their entirety

AMENDMENT No. 2—

On page 12 at the beginning of line 5 and again at the beginning of line 7 strike out "Section 26." and insert in lieu thereof "Section 25."

AMENDMENT No. 3—

On page 12 at the beginning of line 12 and again at the beginning of line 13 strike out "Section 27." and insert in lieu thereof "Section 26."

Delegate Zervigon moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 75 yeas and 0 nays the amendments were adopted.

Delegate Fayard moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 26. Removal by Suit; Officers Subject; Commencement of Suit

Section 26. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall by general law provide for the removal by suit of any state, district, parochial, ward, or municipal officer except the governor, lieutenant governor, and judges of the courts of record.

Read.

Delegate Casey sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, at the end of line 5, immediately after the word "Subject" delete "; Commence-" and at the beginning of line 6 delete "ment of Suit"

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 26, was read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Perez
Abraham	Fayard	Perkins
Alexander	Flory	Planchard
Anzalone	Fontenot	Reeves
Arnette	Giarrusso	Riecke
Asseff	Grier	Roemer
Avant	Hardee	Schmitt
Badeaux	Heine	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burson	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Stinson
Chatelain	Lambert	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Tobias
De Blieux	Lennox	Toomy
Dennis	McDaniel	Triche
Deshotels	Mauberet	Velazquez
Drew	Mire	Warren
Dunlap	Newton	Weiss
Duval	O'Neill	Willis
		Winchester
		Wisham
		Zervigon
Total—78.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Guarisco	Rayburn
Alario	Guidry	Robinson
Armentor	Hayes	Roy
Bel	Haynes	Sandoz
Brown	Jackson, A.	Singletary
Burns	Kilbourne	Stephenson
Cannon	Kilpatrick	Stovall
Carmouche	Landrum	Tapper
Chehardy	LeBreton	Taylor
D'Gerolamo	Leigh	Thompson
Dennerly	Leithman	Tobias
Derbes	Lowe	Toca
Edwards	Martin	Triche
Fowler	Miller	Ullio
Fulco	Munson	Vesich
Gauthier	Nunez	Vick
Ginn	Ourso	Wall
Gravel	Rachal	Womack
Total—54.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 27. Recall

Section 27. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal officer except judges of the courts of record. The sole issue at any recall election shall be whether such officer shall be recalled.

Read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Reeves
Abraham	Flory	Riecke
Alexander	Fontenot	Roemer
Anzalone	Giarrusso	Schmitt
Arnette	Grier	Segura
Asseff	Hardee	Shannon
Avant	Heine	Silverberg
Badeaux	Hernandez	Singletary
Bergeron	Jack	Slay
Blair	Jackson, J.	Smith
Bollinger	Jenkins	Soniat
Brien	Juneau	Stagg
Burson	Kean	Stinson
Carmouche	Kelly	Sutherland
Casey	Lambert	Tapper
Champagne	Landry, A.	Tate
Chatelain	Landry, E. J.	Thistlethwaite
Conino	Lanier	Tobias
Conroy	LeBleu	Toomy
Corne	Lennox	Triche
Cowen	McDaniel	Velazquez
De Blieux	Miller	Warren
Dennis	Mire	Weiss
Deshotels	Newton	Willis
Drew	Nunez	Winchester
Dunlap	Perez	Wisham
Duval	Perkins	Zervigon
Elkins	Planchard	
Total—83.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Guarisco	Ourso
Alario	Guidry	Rachal
Armentor	Hayes	Rayburn
Bel	Haynes	Robinson
Brown	Jackson, A.	Roy
Burns	Kilbourne	Sandoz
Cannon	Kilpatrick	Stephenson
Chehardy	Landrum	Stovall
D'Gerolamo	LeBreton	Taylor
Dennerly	Leigh	Thompson
Derbes	Leithman	Toca
Edwards	Lowe	Ullio
Fowler	Martin	Vesich
Fulco	Mauberet	Vick
Gauthier	Munson	Wall
Ginn	O'Neill	Womack
Gravel		
Total—49.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, on line 18, insert the following:

"Section 28. Taking Office

Section 28. (A) Members of the legislature shall take office on the same day as the governor and other officials elected statewide.

(B) A person elected to fill the remainder of an unexpired legislative term shall take office within thirty days after the secretary of state promulgates the election returns."

On motion of Delegate Drew the amendment was withdrawn.

Motion

On motion of Delegate Perez the Convention took up Section 22 of Committee Proposal No. 3, action upon which had been previously postponed.

Section 22. Suspension of Laws

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote required for final passage of the law proposed to be suspended. The vote thereon shall be by record vote.

Read.

Delegate Triche sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Triche to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 26, at the end of the line, delete the word "Laws" and insert in lieu thereof the words "Laws; Prohibition."

AMENDMENT No. 2—

On page 10, line 27, at the beginning of the line, immediately after "Section 22." delete the remainder of the line and delete lines 28 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Subsequent to the effective date of this constitution no law shall be suspended."

AMENDMENT No. 3—

On page 10, strike out Convention Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on July 23, 1973, and strike out Floor Amendment proposed by Delegate Avant and adopted by the Convention on July 28, 1973.

Delegate Triche moved the adoption of the amendments.

Delegate Jenkins objected.

By a vote of 34 yeas and 45 nays the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Jenkins, Flory and De Blieux to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 27 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of the law proposed to be suspended. After the effective date of this constitution every resolution suspending a law shall fix the period of the suspension, which shall not extend beyond the effective date of the laws enacted at the next regular session of the legislature."

AMENDMENT No. 2—

On page 10, strike out Convention Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on July 23, 1973, and strike out Floor Amendment proposed by Delegate Flory and adopted by the Convention on July 23, 1973.

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the motion by which the amendments were adopted and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 3, Section 22, was read, as amended.

Delegate Blair moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Perez
Abraham	Ginn	Perkins
Alexander	Grier	Planchard
Anzalone	Guarisco	Reeves
Arnette	Hardee	Roy
Avant	Hayes	Schmitt
Badeaux	Haynes	Shannon
Bergeron	Heine	Silverberg
Blair	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jackson, J.	Smith
Burns	Jenkins	Soniati
Burson	Juneau	Stagg
Carmouche	Kean	Stinson
Chatelain	Kelly	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E.J.	Tobias
Cowen	Lanier	Toomy
De Blieux	LeBleu	Triche
Dennis	Lennox	Vick
Drew	Mauberrert	Weiss
Dunlap	Miller	Willis
Duval	Mire	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Zervigon
Flory	O'Neill	
Total—80.		

NAYS

Delegates—		
Asseff	Casey	Velazquez
Total—3.		

ABSENT

Delegates—		
Aertker	Gravel	Riecke
Alario	Guidry	Robinson
Armentor	Jackson, A.	Roemer
Bel	Kilbourne	Sandoz
Brown	Kilpatrick	Segura
Cannon	Lambert	Stephenson
Champagne	LeBreton	Stovall
Chehardy	Leigh	Sutherland
D'Gerolamo	Leithman	Taylor
Dennery	Lowe	Thompson
Derbes	McDaniel	Toca
Deshotels	Martin	Ullo
Edwards	Munson	Vesich
Fontenot	Ourso	Wall
Fowler	Rachal	Warren
Fulco	Rayburn	Womack
Gauthier		
Total—49.		

And the Chair declared that the above Section was passed.

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22nd Days Proceedings—July 28, 1973

Delegate Blair moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Blair, the Convention took up Section 12 of Committee Proposal No. 3, action upon which had been previously postponed.

Section 12. Local or Special Laws

Section 12. The legislature shall pass no local or special law when a general law is or can be made applicable.

Read.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Burson, Kean, Perez, Tate, Casey and Lanier to Committee Proposal No. 3 by Delegate Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, strike out in their entirety lines 23, 24 and 25 and insert in lieu thereof the following:

"Section 12. Local or Special Laws

Section 12. The legislature may pass local or special laws, but no such law shall be valid if its effect is to exempt a particular person from a general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law or if its effect is to limit or deny to a particular person any personal or real right uniformly granted to all persons by general law. As used herein, the word "person" includes an individual, partnership, unincorporated association of individuals, joint stock company, or corporation but shall not include a political subdivision of the state."

Delegate Burson moved the adoption of the amendment.

Motion

On motion of Delegate O'Neill the Convention postponed any further action on Section 12 at this time.

Leave of Absence

Delegate Dennery—1 day.

Delegate Kilbourne—1 day.

Adjournment

Delegate O'Neill moved that the Convention do now adjourn until Wednesday, August 1, 1973, at 9:30 A.M.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Alexander
Arnette
Asseff
Avant
Badeaux
Bergeron
Blair
Bollinger
Brien
Burns
Burson
Carmouche
Casey
Champagne
Chatelain
Conino
Conroy
De Blieux
Dennis
Drew
Dunlap
Elkins
Fayard
Flory
Total—78.

Giarrusso
Ginn
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jenkins
Juneau
Kean
Kelly
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Lennox
Maubert
Miller
Mire
Newton
Nunez
O'Neill

Perez
Perkins
Planchard
Reeves
Roemer
Roy
Schmitt
Shannon
Silverberg
Singletary
Slay
Soniati
Stagg
Stinson
Tapper
Tate
Thistlethwaite
Tobias
Toomy
Triche
Velazquez
Vick
Willis
Winchester
Wisham
Zervigon

NAYS

Delegates—

Anzalone
Duval
Total—4.

Jackson, J.

Weiss

ABSENT

Delegates—

Aertker
Alario
Armentor
Bel
Brown
Cannon
Chehardy
Corne
Cowen
D'Gerolamo
Dennery
Derbes
Deshotels
Edwards
Fontenot
Fowler
Fulco
Total—50.

Gauthier
Gravel
Guidry
Jackson, A.
Kilbourne
Kilpatrick
Lambert
LeBreton
Leigh
Leithman
Lowe
McDaniel
Martin
Munson
Ourso
Rachal
Rayburn

Riecke
Robinson
Sandoz
Segura
Smith
Stephenson
Stovall
Sutherland
Taylor
Thompson
Toca
Uilo
Vesich
Wall
Warren
Womack

And the Convention adjourned until Wednesday, August 1, 1973 at 9:30 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Wednesday, August 1, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY,
Secretary.

DAVID R. POYNTER,
Chief Clerk.

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

TWENTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, August 1, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Planchard
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Anzalone	Ginn	Robinson
Arnette	Gravel	Roemer
Asseff	Grier	Roy
Avant	Guarisco	Sandoz
Badeaux	Guidry	Schmitt
Bel	Hayes	Segura
Bergeron	Haynes	Shannon
Blair	Hernandez	Silverberg
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tate
Conino	Landry, A.	Taylor
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Triche
Dennis	Lowe	Ullio
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vick
Drew	Mauberret	Wall
Dunlap	Miller	Warren
Duval	Mire	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Wornack
Fontenot	Ourso	Zervigon
Total—120.		

ABSENT

Delegates—		
Alexander	Heine	Rachal
Armentor	Jackson, J.	Riecke
Cannon	LeBreton	Tapper
Hardee	Perkins	Vesich
Total—12.		

The Chairman announced that there were 120 members
present and a quorum.

Prayer

Prayer was offered by Delegate Warren.

Pledge of Allegiance

Delegate Elkins led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Abraham, the Journal of yester-
day was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Committee Resolution**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

COMMITTEE PROPOSAL No. 19—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department and Delegates Abra-
ham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery,
Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions in the Schedule provisions of the Consti-
tution for mandatory reorganization of the executive
branch of state government.

Read.

Lies over under the rules.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the
Committee on Legislative Powers and Functions, and Dele-
gates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Lan-
drum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of govern-
ment, impeachment and removal of officials, and neces-
sary provisions with respect thereto.

Read.

Section 12. Local or Special Laws

Section 12. The legislature shall pass no local or special
law when a general law is or can be made applicable.

Read.

The Chairman announced that the Convention had under
consideration the following amendment when it adjourned on
Saturday, July 28, 1973, which was taken up and acted upon
as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Burson, Kean, Perez,
Casey and Lanier to Committee Proposal No. 3 by Delegates
Blair, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, strike out in their entirety lines 23, 24 and 25
and insert in lieu thereof the following:

"Section 12. Local or Special Laws

Section 12. The legislature may pass local or special laws,

but no such law shall be valid if its effect is to exempt a particular person from a general law or if its effect is to grant to a particular person any personal or real right uniformly limited or denied to all persons by general law or if its effect is to limit or deny to a particular person any personal or real right uniformly granted to all persons by general law. As used herein, the word "person" includes an individual, partnership, unincorporated association of individuals, joint stock company, or corporation but shall not include a political subdivision of the state."

Delegate Burson moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 27 yeas and 72 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy and Newton to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 23, 24, and 25 in their entirety and insert in lieu thereof the following:

"Section 12. Local and Special Laws; Prohibition Against Enactment

Section 12. (A) The legislature shall not pass any local or special law:

(A) The legislature shall not pass any local or special law:

(1) For the holding and conducting of elections, or fixing or changing the place of voting.

(2) Changing the names of persons; authorizing the adoption or legitimation of children or the emancipation of minors; affecting the estates of minors or persons under disabilities; granting divorces; changing the law of descent or succession; giving effect to informal or invalid wills or deeds or to any illegal disposition of property.

(3) Concerning any civil or criminal actions, including changing the venue in civil or criminal cases, or regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

(4) Authorizing the laying out, opening, closing, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other state; authorizing the constructing of street passenger railroads in any incorporated town or city.

(5) Exempting property from taxation; extending the time for the assessment or collection of taxes; for the relief of any assessor or collector of taxes from the performance of his official duties or of his sureties from liability; remitting fines, penalties, and forfeitures; or refunding moneys legally paid into the treasury.

(6) Regulating labor, trade, manufacturing, or agriculture; fixing the rate of interest.

(7) Creating corporations, or amending, renewing, extending, or explaining the charters thereof; granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

(8) Regulating the management of public schools, the building or repairing of schoolhouses and the raising of money for such purposes, except as otherwise provided in this constitution."

Delegate Conroy moved the adoption of the amendment.

Delegate Duval objected.

By a vote of 52 yeas and 46 nays the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 25 and 26, add the following paragraph:

"(B) The legislature shall not indirectly enact special or local laws by the partial repeal of a general law."

On motion of Delegate Drew the amendment was adopted.

Delegate Drew moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 25, at the end of the line, add the following:

"(C) Any law enacted by the legislature defining a crime shall be of uniform application throughout the state."

Delegate Avant moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Haynes	Singletary
Avant	Jackson, A.	Soniat
Bel	Jenkins	Stagg
Bergeron	Kilbourne	Stovall
Bollinger	Landry, E. J.	Sutherland
Brien	Leigh	Tate
Carmouche	Martin	Taylor
Champagne	Mire	Tobias
Conino	Newton	Triche
Corne	O'Neill	Velazquez
De Blieux	Reeves	Vick
Dunlap	Robinson	Warren
Flory	Roy	Weiss
Fontenot	Sandoz	Willis
Giarrusso	Schmitt	Winchester
Gravel	Shannon	Wisham
Grier	Silverberg	Zervigon
Hayes		
Total—52.		

NAYS

Delegates—		
Aertker	Chehardy	Fulco
Alario	Conroy	Ginn
Anzalone	D'Gerolamo	Guarisco
Arnette	Dennerly	Guidry
Asseff	Derbes	Hernandez
Badeaux	Deshotels	Jack
Blair	Drew	Kean
Burns	Duval	Kilpatrick
Burson	Elkins	Landrum
Chatelain	Fowler	Lanier

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23rd Days Proceedings—August 1, 1973

LeBleu	Perez	Stinson
Leithman	Planchard	Thistlethwaite
Lennox	Rayburn	Toca
McDaniel	Segura	Toomy
Munson	Smith	Ullo
Nunez	Stephenson	
Total—48.		

ABSENT

Delegates—		
Mr. Chairman	Hardee	Ourso
Alexander	Heine	Perkins
Armentor	Jackson, J.	Rachal
Brown	Juneau	Riecke
Cannon	Kelly	Roemer
Casey	Lambert	Slay
Cowen	Landry, A.	Tapper
Dennis	LeBreton	Thompson
Edwards	Lowe	Vesich
Fayard	Mauberret	Wall
Gauthier	Miller	Womack
Total—32.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 23 through 25, both inclusive, in their entirety and strike out Floor Amendment No. 1 proposed by Delegate Conroy, et al. and adopted by the Convention on August 1, 1973, and strike out Floor Amendment No. 1 proposed by Delegate Drew and adopted by the Convention on August 1, 1973, and strike out Floor Amendment No. 1 proposed by Delegate Avant and adopted by the Convention on August 1, 1973.

Delegate Casey moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 88 yeas and 15 nays the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate De Blieux moved to call from the table the motion to reconsider the vote by which Committee Proposal No. 3, Section 19, was adopted.

Delegate Bollinger objected.

By a vote of 40 yeas and 58 nays the Convention refused to call from the table the motion to reconsider the vote by which Committee Proposal No. 3, Section 19, was adopted.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Landrum to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, line 18, add the following section:

"Section 27. Statement of Economic Interests

Section 27. Each member of the legislature shall file a sworn statement of his or her economic interests. This statement shall be filed annually with the secretary of state and shall be a public record. Failure to file a statement within the time prescribed shall be cause for forfeiture of the office."

Delegate Landrum moved the adoption of the amendment.

Delegate Burns objected.

Point of Order

Delegate Arnette sought a ruling of the Chair as to whether an amendment to a proposal was in order which would have the effect of adding a new Section thereto.

The Chair ruled that such an amendment was in order.

Appeal

Delegate Arnette appealed the ruling of the Chair.

The question was put, in accordance with the Rules, to sustain the Chair.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Robinson
Aertker	Gravel	Roemer
Alario	Grier	Sandoz
Anzalone	Guarisco	Schmitt
Asseff	Guidry	Segura
Avant	Hayes	Shannon
Badeaux	Haynes	Silverberg
Bel	Hernandez	Singletary
Bergeron	Jack	Smith
Blair	Jackson, A.	Soniat
Bollinger	Jenkins	Stagg
Brien	Kean	Stephenson
Burns	Kelly	Stovall
Burson	Kilbourne	Sutherland
Carmouche	Kilpatrick	Tate
Casey	Landrum	Taylor
Champagne	Landry, E. J.	Thistlethwaite
Chatelain	Lanier	Thompson
Chehardy	LeBleu	Tobias
Conino	Leigh	Toca
Corne	Leithman	Toomy
D'Gerolamo	Lennox	Triche
De Blieux	Martin	Ullo
Derbes	Mire	Velazquez
Drew	Munson	Vick
Duval	Newton	Warren
Edwards	Nunez	Weiss
Elkins	O'Neill	Willis
Flory	Perez	Winchester
Fowler	Planchard	Wisham
Fulco	Rayburn	Womack
Gauthier	Reeves	Zervigon
Giarrusso		
Total—97.		

NAYS

Delegates—		
Arnette	Dunlap	Miller
Conroy	Fontenot	Roy
Dennery	McDaniel	Stinson
Deshotels		
Total—10.		

ABSENT

Delegates—		
Mr. Chairman	Cowen	Jackson, J.
Alexander	Dennis	Juneau
Armentor	Fayard	Lambert
Brown	Hardee	Landry, A.
Cannon	Heine	LeBreton

Lowe	Rachal	Vesich
Mauberret	Riecke	Wall
Ourso	Slay	
Perkins	Tapper	
Total—25.		

And the Chair was sustained.

Motion

Delegate Newton moved for a suspension of the rules in order to refer the amendment to a Committee at this time.

As a substitute Delegate Duval moved to table the amendment.

Delegate Newton objected.

The vote recurred on the substitute motion.

By a vote of 40 yeas and 68 nays the Convention refused to table the amendment.

The vote then recurred on the original motion of Delegate Newton.

By a vote of 52 yeas and 51 nays the Convention refused to suspend the rules at this time.

Delegate Landrum moved the adoption of the amendment.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Ginn	Singletary
Asseff	Haynes	Stovall
Bergeron	Kelly	Sutherland
Chatelain	Landrum	Thompson
Chehardy	Lanier	Velazquez
Conino	Miller	Warren
D'Gerolamo	Roemer	Willis
De Blieux	Schmitt	Wisham
Total—24.		

NAYS

Delegates—		
Abraham	Fowler	O'Neill
Alario	Fulco	Perez
Anzalone	Gauthier	Planchard
Arnette	Giarrusso	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Robinson
Bel	Guarisco	Roy
Blair	Guidry	Sandoz
Bollinger	Hayes	Segura
Brien	Hernandez	Shannon
Burns	Jack	Silverberg
Burson	Jackson, A.	Smith
Carmouche	Jenkins	Soniat
Casey	Kean	Stagg
Champagne	Kilbourne	Stephenson
Conroy	Kilpatrick	Stinson
Corne	Landry, E. J.	Tate
Dennery	LeBleu	Thistlethwaite
Dennis	Leigh	Tobias
Derbes	Leithman	Toca
Deshotels	Lennox	Toomy
Drew	Lowe	Triche
Dunlap	McDaniel	Ull
Duval	Martin	Vick
Edwards	Mire	Weiss
Elkins	Munson	Winchester
Fayard	Newton	Womack
Fontenot	Nunez	Zervigon
Total—84.		

ABSENT

Delegates—		
Mr. Chairman	Heine	Perkins
Alexander	Jackson, J.	Rachal
Armentor	Juneau	Riecke
Brown	Lambert	Slay
Cannon	Landry, A.	Tapper
Cowen	LeBreton	Taylor
Flory	Mauberret	Vesich
Hardee	Ourso	Wall
Total—24.		

And the amendment, having failed to receive the vote of a majority of the total membership required to adopt a Section to a Proposal, failed to pass.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 3 by Delegate Blair, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 12, on line 18, insert the following:

"Section 27. Taking Office

Section 27 (A) Members of the legislature shall take office thirty days prior to the date for the convening of the first session of each term for which members are elected every four years.

(B) A person elected to fill an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns."

Delegate Drew moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Roy
Aertker	Gauthier	Sandoz
Alario	Ginn	Schmitt
Anzalone	Gravel	Segura
Asseff	Grier	Shannon
Avant	Guidry	Silverberg
Badeaux	Haynes	Smith
Bel	Hernandez	Soniat
Bergeron	Jack	Stagg
Blair	Jackson, A.	Stephenson
Bollinger	Kelly	Sutherland
Brien	Kilpatrick	Taylor
Burns	Lambert	Thistlethwaite
Burson	Lanier	Thompson
Casey	Leigh	Toca
Conino	Leithman	Toomy
Conroy	McDaniel	Ull
De Blieux	Martin	Velazquez
Deshotels	Miller	Vick
Drew	Munson	Warren
Duval	Newton	Weiss
Elkins	Perez	Willis
Fayard	Rayburn	Winchester
Flory	Reeves	Wisham
Fontenot	Robinson	Womack
Fowler	Roemer	Zervigon
Total—78.		

NAYS

Delegates—		
Arnette	Corne	Edwards
Carmouche	Dennery	Giarrusso
Champagne	Derbes	Hayes
Chatelain	Dunlap	Jenkins

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Kean	Mire	Stinson
Landry, E. J.	Nunez	Stovall
LeBleu	O'Neill	Tobias
Lennox	Planchard	Triche
Lowe	Singletary	

Total—26.

ABSENT

Delegates—		
Mr. Chairman	Hardee	Perkins
Alexander	Heine	Rachal
Armentor	Jackson, J.	Riecke
Brown	Juneau	Slay
Cannon	Kilbourne	Tapper
Chehardy	Landrum	Tate
Cowen	Landry, A.	Vesich
D'Gerolamo	LeBreton	Wall
Dennis	Maubertret	
Guarisco	Ourso	

Total—28.

And the amendment having received a vote of the majority of the total membership required to adopt a Section, was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

The Proposal was read.

Final Passage

Delegate Blair moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Reeves
Abraham	Fowler	Robinson
Aertker	Fulco	Roemer
Alario	Gauthier	Roy
Anzalone	Giarrusso	Sandoz
Arnette	Ginn	Schmitt
Badeaux	Gravel	Segura
Bel	Grier	Shannon
Bergeron	Guidry	Silverberg
Blair	Hayes	Singletary
Bollinger	Haynes	Smith
Brien	Hernandez	Soniati
Burns	Jack	Stagg
Burson	Jackson, A.	Stephenson
Carmouche	Kean	Stovall
Casey	Kelly	Sutherland
Champagne	Kilpatrick	Tate
Chatelain	Lambert	Taylor
Chehardy	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennery	Lowe	Ullo
Dennis	McDaniel	Velazquez
Derbes	Martin	Vick
Deshotels	Miller	Warren
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Edwards	Nunez	Wisham
Elkins	Planchard	Womack
Fayard	Rayburn	Zervigon

Total—102.

NAYS

Delegates—		
Asseff	Jenkins	O'Neill
Avant	Kilbourne	Stinson
Flory		

Total—7.

Alexander	ABSENT	Perkins
Armentor	Jackson, J.	Rachal
Brown	Juneau	Riecke
Cannon	Landrum	Slay
Cowen	Landry, A.	Tapper
Guarisco	LeBreton	Vesich
Hardee	Maubertret	Wall
Heine	Ourso	
	Perez	

Total—23.

And the Chair declared that the above Proposal was finally passed.

Motion

Delegate Thompson moved that the Convention convene at 9:00 o'clock A.M. on Wednesday, Thursday and Friday beginning August 6, 1973.

As a substitute Delegate LeBleu moved that the Convention convene at 9:00 o'clock A.M. on Monday, Tuesday and Wednesday, and Thursday if necessary, beginning August 6, 1973.

Delegate Smith moved the previous question.

Delegate Warren objected.

By a vote of 67 yeas and 27 nays the previous question was ordered.

And the vote recurred on the substitute motion.

By a vote of 19 yeas and 86 nays the substitute motion was rejected.

The Chair announced that the original motion was now pending.

Motion

As a substitute, Delegate Smith moved to table the entire subject matter.

Delegate Thompson objected.

By a vote of 75 yeas and 33 nays the entire subject matter was tabled.

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Constitutional Convention to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

Read.

Delegate Stovall moved the adoption of the resolution.

Delegate Brown objected.

By a vote of 105 yeas and 3 nays the resolution was adopted.

Delegate Stovall moved to reconsider the vote by which the resolution was adopted, and on his own motion, the motion to reconsider was laid on the table.

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating

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equipment and the distribution of materials to delegates while in session.

Read.

Delegate Stovall moved the adoption of the resolution.

By a vote of 106 yeas and 0 nays the resolution was adopted.

Delegate Corne moved to reconsider the vote by which the resolution was adopted, and on her own motion, the motion to reconsider was laid on the table.

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, T. Casey and Kelly:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

Read.

Delegate Juneau moved the adoption of the resolution.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Rayburn
Abraham	Gauthier	Reeves
Aertker	Giarrusso	Roy
Alario	Ginn	Sandoz
Arnette	Gravel	Schmitt
Asseff	Grier	Shannon
Avant	Guarisco	Singletary
Badeaux	Hernandez	Slay
Bel	Jack	Smith
Bergeron	Jackson, A.	Soniat
Bollinger	Juneau	Stagg
Brien	Kelly	Stephenson
Brown	Kilpatrick	Stovall
Burns	Lambert	Tate
Carmouche	Landrum	Taylor
Casey	Lanier	Thistlethwaite
Chatelain	LeBleu	Thompson
Chehardy	Leithman	Tobias
Conino	Lennox	Toca
Corne	McDaniel	Triche
D'Gerolamo	Martin	Ullo
Dennery	Maubert	Velazquez
Dennis	Miller	Vick
Derbes	Mire	Warren
Deshotels	Munson	Weiss
Dunlap	Newton	Willis
Duval	Nunez	Winchester
Elkins	O'Neill	Zervigon
Fayard	Ourso	
Fontenot	Planchar	
Total—88.		

NAYS

Delegates—		
Anzalone	Fulco	Robinson
Champagne	Hayes	Roemer
Blair	Jenkins	Silverberg
Conroy	Landry, A.	Stinson
De Blieux	Landry, E. J.	Sutherland
Drew	Leigh	Toomy
Edwards	Lowe	Wisham
Total—21.		

ABSENT

Delegates—		
Alexander	Armentor	Burson

Cannon	Jackson, J.	Riecke
Cowen	Kean	Segura
Flory	Kilbourne	Tapper
Guidry	LeBreton	Vesich
Hardee	Perez	Wall
Haynes	Perkins	Womack
Heine	Rachal	
Total—23.		

And the resolution was adopted.

Delegate Juneau moved to reconsider the vote by which the resolution was adopted, and on his own motion, the motion to reconsider was laid on the table.

COMMITTEE RESOLUTION No. 10—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

Read.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and Stovall to Committee Resolution No. 10 by Delegate Stovall, et al.

Amend engrossed Resolution as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Rule No. 30. Limits on Debate. Delegates shall not speak more than once nor more than five minutes to the same question, without leave of the convention, except that the mover, proposer, or introducer of the matter pending, and/or his designees, shall be permitted to speak for a total of not more than ten minutes for purposes of opening and closing. The mover, proposer, or introducer shall not be recognized to close until every delegate choosing to speak has spoken, except when the previous question or the previous question on the entire subject matter has been ordered, but when so ordered, he shall have the right nonetheless to close."

Delegate Rayburn moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 66 yeas and 42 nays the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates De Blieux, Fayard and Roemer to Committee Resolution No. 10 by Delegate Stovall, et al.

Amend engrossed Resolution as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Rule No. 30. Limits on Debate. Delegates shall not speak more than once nor more than five minutes to the same question, without leave of the convention, except that the mover, proposer, or introducer of the matter pending, and/or his designees, shall be permitted to speak for a total of not more than ten minutes for purposes of opening plus five minutes for questions. The mover, proposer, or introducer shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question or the previous question on the entire subject matter has been ordered, but when so ordered, he shall have the right none-

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theless to close and shall be limited to five minutes for closing."

AMENDMENT No. 2—

Strike out Floor Amendment No. 1 proposed by Delegate Rayburn, et al and adopted by the Convention on August 1, 1973.

Delegates Roemer moved the adoption of the amendments.

Delegate Stinson objected.

By a vote of 77 yeas and 27 nays the amendments were adopted.

Delegate Roemer moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate De Blieux moved that the resolution be returned to the Calendar.

Delegate Rayburn objected.

By a vote of 44 yeas and 57 nays the Convention refused to return the resolution to the Calendar.

Delegate Stovall moved the adoption of the resolution.

By a vote of 103 yeas and 0 nays the resolution was adopted.

Delegate Stovall moved to reconsider the vote by which the resolution was adopted, and on his own motion, the motion to reconsider was laid on the table.

DELEGATE RESOLUTION No. 29—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 45 of the Standing Rules of the Constitutional Convention to provide for adoption of proposals by subsection or paragraph rather than by section.

Read.

Delegate Burson moved the adoption of the resolution.

Delegate Drew objected.

By a vote of 40 yeas and 65 nays the resolution was rejected.

Delegate Drew moved to reconsider the vote by which the resolution was rejected, and on his own motion, the motion to reconsider was laid on the table.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

Read.

Delegate Burson sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Delegate Resolution No. 30 by Delegate Burson.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, at the end of line 14, after the comma ",", add the following:

"and/or to the subject of the proposal itself,"

Delegate Burson moved the adoption of the amendment.

Delegate Drew objected.

By a vote of 85 yeas and 13 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his motion, the motion to reconsider was laid on the table.

Delegate Burson moved the adoption of the resolution, as amended.

Delegate Drew objected.

By a vote of 93 yeas and 6 nays the resolution, as amended, was adopted.

Delegate Burson moved to reconsider the vote by which the resolution was adopted, and on his own motion, the motion to reconsider was laid on the table.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department and Delegate Abraham, Alexander, Arnette, Brien, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, and all other executive offices, agencies, and instrumentalities.

(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, duties, and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.

Read.

Delegate Anzalone sent up floor amendments, which were read as follows:

Amendment proposed by Delegates Anzalone, Asseff, Alario, Gauthier, Fowler, LeBleu, Thompson, Reeves, Roemer, Flory, Avant, Jack, Toca, Ullo, Kelly, Deshotels, Winchester, Kilbourne, O'Neill, Bollinger, D'Gerolamo, Grier, Jack, Jenkins, Lowe, Mauberret, Ourso, Velazquez, Warren and Weiss to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, attorney general, register of the land office, commissioner of insurance, commissioner of agriculture, custodian of voting machines, state superintendent of public education, and all of other executive officers, agencies, and instrumentalities."

Delegate Anzalone moved the adoption of the amendment.

Motion

Delegate Rayburn moved that further action be postponed on Section 1 at this time.

Delegate O'Neill objected.

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By a vote of 52 yeas and 59 nays the Convention refused to postpone further action on Section 1 at this time.

Motion

On motion of Delegate Jack, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 20—

Introduced by Delegate Jack:

A PROPOSAL

Limiting the number of proposed constitutional amendments that may be submitted to the voters at any one election.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 21—

Introduced by Delegate Jack:

A PROPOSAL

Making provisions for a deduction in state income taxes for federal income tax payments made during the same period.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

Lies over under the rules.

Motion

On motion of Delegate Stagg the rules were suspended in order to call a meeting of the Committee on Executive Department without giving the required twenty-four hour notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Thursday, August 2, 1973, at 9:00 o'clock a.m. in Committee Room 205 and will consider the following agenda:

AGENDA

To continue its meeting of Thursday, July 26.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on the
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Perkins—4 Days.

Adjournment

Delegate Fulco moved that the Convention do now adjourn until Thursday, August 2, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, August 2, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

TWENTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, August 2, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Fulco	Planchard
Mr. Chairman	Gauthier	Rachal
Abraham	Giarrusso	Rayburn
Aertker	Ginn	Reeves
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Anzalone	Guarisco	Roemer
Armentor	Guidry	Roy
Arnette	Hardee	Sandoz
Asseff	Hayes	Schmitt
Avant	Haynes	Segura
Badeaux	Heine	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Champagne	Landrum	Tate
Chatelain	Landry, A.	Taylor
Chehardy	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	LeBreton	Toca
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Triche
De Blieux	Lennox	Uilo
Denmery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Maubert	Wall
Drew	Miller	Warren
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Oursou	Zervigon
Fontenot	Perez	
Fowler		
Total—128.		

ABSENT

Delegates—	Perkins	Tapper
Cannon		
Lambert		
Total—4.		

The Chairman announced that there were 128 members
present and a quorum.

Prayer

Prayer was offered by Delegate Dennis.

Pledge of Allegiance

Delegate Stephenson led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Leithman, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Leithman, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Stovall, chairman, on behalf of the Committee on
Rules, Credentials and Ethics, submitted the following re-
port:

State of Louisiana
Constitutional Convention
of 1973

August 2, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on Rules, Credentials
and Ethics to submit the following report:

DELEGATE RESOLUTION No. 27—

Introduced by Delegate James H. Brown, Jr.:

A RESOLUTION

To extend greetings and commendations to the surviving
delegates of the Louisiana Constitutional Convention of
1921 and to request their assistance and advice in the
work of this convention.

Reported favorably.

DELEGATE RESOLUTION No. 28—

Introduced by Delegates Asseff, Lenrox, Miller, Plan-
chard, Wisham and Anzalone:

A RESOLUTION

Relative to reports of substantive committees.

Reported unfavorably.

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the
Rules of Procedure.

Reported with amendments.

DELEGATE RESOLUTION No. 34—

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

Reported unfavorably.

Respectfully submitted,

JAMES L. STOVALL,
Chairman.

Delegate Perez, chairman, on behalf of the Committee on
Local and Parochial Government, submitted the following re-
port:

State of Louisiana
Constitutional Convention
of 1973

August 2, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

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24th Days Proceedings—August 2, 1973

I am directed by your Committee on Local and Parochial Government to submit the following report:

DELEGATE PROPOSAL No. 1—

Introduced by Delegate Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

Reported without action with recommendation that it be recommitted to the Committee on Education and Welfare.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state budget.

Read.

Lies over under the rules.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 19—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions in the Schedule provisions of the Constitution for mandatory reorganization of the executive branch of state government.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 20—

Introduced by Delegate Jack:

A PROPOSAL

Limiting the number of proposed constitutional amendments that may be submitted to the voters at any one election.

Read.

Under the rules the above proposad was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 21—

Introduced by Delegate Jack:

A PROPOSAL

Making provisions for a deduction in state income taxes for federal income tax payments made during the same period.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 22—

Introduced by Delegates Conroy and Newton:

A PROPOSAL

To provide for the prohibition of certain enumerated local and special laws.

Read.

Under the rules the above proposal was referred to the Committee on Legislative Powers and Functions.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department and Delegate Abraham, Alexander, Arnette, Brien, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, attorney general, treasurer, and all other executive offices, agencies, and instrumentalities.

(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, duties, and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.

Read.

The Chairman announced that the Convention had under consideration the following amendment to Committee Proposal No. 4, Section 1, when it adjourned on Wednesday, August 1, 1973, which was taken up and acted upon as follows:

Amendment proposed by Delegates Anzalone, Asseff, Alario, Gauthier, Fowler, LeBleu, Thompson, Reeves, Roemer, Flory, Avant, Jack, Toca, Ullo, Kelly, Deshotels, Winchester, Kilbourne, O'Neill, Bollinger, D'Gerolamo, Grier, Jack, Jenkins, Lowe, Mauberret, Ourso, Velazquez, Warren and Weiss to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, attorney general, register of the land office, commissioner of insurance, commissioner of agriculture, custodian of voting machines, state superintendent of public education, and all of other executives officers, agencies, and instrumentalities."

Read.

Delegate Anzalone moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Anzalone
Asseff

Avant
Bel
Bergeron

Blair
Bollinger
Burns

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Corne	Jenkins
D'Gerolamo	Kelly
Deshotels	Kilbourne
Drew	Kilpatrick
Edwards	Landry, E. J.
Elkins	LeBleu
Flory	Leigh
Fowler	Lowe
Gauthier	Martin
Ginn	Mauberet
Grier	Munson
Hardee	Nunez
Hayes	O'Neill
Heine	Perez
Jack	Planchar
Total—53.	

NAYS

Delegates—	Fayard	Sandoz
Abraham	Fontenot	Schmitt
Aertker	Fulco	Segura
Alexander	Giarrusso	Shannon
Armentor	Gravel	Silverberg
Badeaux	Guarisco	Singletary
Brien	Guidry	Slay
Brown	Haynes	Smith
Burson	Hernandez	Soniat
Carmouche	Jackson, A.	Stagg
Casey	Jackson, J.	Stovall
Champagne	Juneau	Sutherland
Chatelain	Kean	Tate
Chehardy	Landrum	Taylor
Conino	Lanier	Thistlethwaite
Conroy	LeBreton	Tobias
Cowen	Leithman	Toca
De Blieux	Lennox	Triche
Dennerly	Miller	Vick
Dennis	Newton	Willis
Derbes	Riecke	Zervigon
Dunlap	Roy	
Duval		
Total—65.		

ABSENT

Delegates—	McDaniel	Tapper
Mr. Chairman	Mire	Velazquez
Arnette	Ourso	Wall
Cannon	Perkins	Womack
Lambert	Rachal	
Landry, A.		
Total—14.		

And the amendment was rejected.

Delegate Duval moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 19, delete the period "." and add the following:
"of the state."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Debres and Lambert to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "commissioner of agriculture,"

Delegate Derbes moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Ginn	Newton
Mr. Chairman	Grier	Nunez
Alario	Hardee	O'Neill
Anzalone	Hayes	Ourso
Asseff	Heine	Perez
Avant	Hernandez	Planchar
Bel	Jack	Rayburn
Bergeron	Jenkins	Reeves
Blair	Juneau	Riecke
Bollinger	Kean	Robinson
Brown	Kelly	Roemer
Burns	Kilbourne	Roy
Champagne	Kilpatrick	Sandoz
Chatelain	Landrum	Shannon
Corne	Landry, E. J.	Singletary
Cowen	Lanier	Slay
Deshotels	LeBleu	Stephenson
Drew	Leigh	Stinson
Dunlap	Lowe	Thompson
Edwards	McDaniel	Toomy
Elkins	Martin	Velazquez
Fayard	Mauberet	Vesich
Flory	Miller	Warren
Fontenot	Mire	Weiss
Fowler	Munson	Winchester
Fulco		
Gauthier		
Total—76.		

NAYS

Delegates—	Derbes	Soniat
Abraham	Duval	Stagg
Alexander	Giarrusso	Stovall
Armentor	Gravel	Sutherland
Badeaux	Guarisco	Tate
Brien	Guidry	Taylor
Burson	Haynes	Thistlethwaite
Carmouche	Jackson, A.	Tobias
Casey	LeBreton	Toca
Chehardy	Leithman	Triche
Conino	Lennox	Vick
Conroy	Lennox	Wall
D'Gerolamo	Schmitt	Willis
De Blieux	Segura	Wisham
Dennery	Silverberg	Zervigon
Dennis	Smith	
Total—45.		

ABSENT

Delegates—	Lambert	Tapper
Aertker	Landry, A.	Ullo
Arnette	Perkins	Womack
Cannon	Rachal	
Jackson, J.		
Total—11.		

And the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 4 by Delegate Staggs, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "custodian of voting machines,"

Delegate Jenkins moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Grier	Nunez
Anzalone	Hardee	O'Neill
Asseff	Hayes	Ourso
Bel	Haynes	Perez
Blair	Jack	Rayburn
Burson	Jenkins	Reeves
Champagne	Kelly	Riecke
Corne	Kilpatrick	Robinson
Cowen	Landrum	Roemer
Deshotels	Landry, A.	Shannon
Drew	Landry, E. J.	Stinson
Edwards	LeBleu	Thompson
Fayard	Leigh	Ullo
Flory	Lowe	Velazquez
Fowler	Martin	Vesich
Fulco	Miller	Warren
Gauthier	Mire	Weiss
Ginn	Munson	Winchester

Total—54.

NAYS

Delegates—

Abraham	Duval	Segura
Alexander	Elkins	Silverberg
Badeaux	Fontenot	Singletary
Bergeron	Giarrusso	Slay
Bollinger	Gravel	Smith
Brien	Guarisco	Soniat
Brown	Guidry	Stagg
Burns	Jackson, A.	Stephenson
Carmouche	Jackson, J.	Sutherland
Casey	Juneau	Taylor
Chatelain	Lanier	Thistlethwaite
Chehardy	LeBreton	Tobias
Conino	Leithman	Toca
Conroy	Lennox	Toomy
D'Gerolamo	McDaniel	Triche
De Blieux	Mauberret	Vick
Dennery	Newton	Wall
Dennis	Roy	Willis
Derbes	Sandoz	Wisham
Dunlap	Schmitt	Zervigon

Total—60.

ABSENT

Delegates—

Mr. Chairman	Heine	Planchard
Aertker	Hernandez	Rachal
Armentor	Kean	Stovall
Arnette	Kilbourne	Tapper
Avant	Lambert	Tate
Cannon	Perkins	Womack

Total—18.

And the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Avant, absent at the time of the vote, indicates his intent to have supported the amendment which would have made the custodian of voting machines a constitutionally specified member of the Executive Branch.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 4 by Delegate Staggs, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the word and punctuation "comptroller,"

Delegate Alario moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 14 yeas and 96 nays the amendment was rejected.

Delegate Derbes moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 4 by Delegate Staggs, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "commissioner of insurance,"

Delegate O'Neill moved the adoption of the amendment.

Delegate Staggs objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Ginn	Nunez
Alario	Gravel	O'Neill
Anzalone	Grier	Ourso
Asseff	Hardee	Perez
Avant	Hayes	Planchard
Bel	Haynes	Rayburn
Bergeron	Heine	Reeves
Blair	Jack	Riecke
Bollinger	Jackson, J.	Robinson
Brown	Jenkins	Roemer
Burns	Juneau	Roy
Chatelain	Kelly	Shannon
Corne	Kilbourne	Singletary
D'Gerolamo	Kilpatrick	Stephenson
Deshotels	Landrum	Stinson
Drew	Landry, A.	Sutherland
Edwards	Landry, E. J.	Thompson
Elkins	LeBleu	Tobias
Fayard	Leithman	Toomy
Flory	Lowe	Ullo
Fontenot	McDaniel	Velazquez
Fowler	Martin	Vesich
Fulco	Mauberret	Warren
Gauthier	Mire	Weiss
Giarrusso	Munson	Winchester

Total—75.

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NAYS

Delegates—

Abraham	Dennis	Silverberg
Alexander	Derbes	Slay
Armentor	Dunlap	Smith
Badeaux	Duval	Soniat
Brien	Guarisco	Stagg
Burson	Guidry	Stovall
Carmouche	Jackson, A.	Taylor
Casey	Lanier	Thistlethwaite
Champagne	LeBreton	Toca
Chehardy	Lennox	Triche
Conino	Miller	Vick
Conroy	Newton	Wall
Cowen	Sandoz	Willis
De Blieux	Schmitt	Wisham
Dennerly	Segura	Zervigon

Total—45.

ABSENT

Delegates—

Aertker	Kean	Rachal
Arnette	Lambert	Tapper
Cannon	Leigh	Tate
Hernandez	Perkins	Womack

Total—12.

And the amendment was adopted.

Delegate Alario moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "superintendent of education,"

Motion

Delegate Burson moved that action on the amendment be postponed until September 1, 1973.

The Chair ruled the motion out of order.

On motion of Delegate Burson, his motion to postpone action on the amendment, was withdrawn.

Delegate Corne moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Burson	Fayard
Alario	Champagne	Flory
Anzalone	Chatelain	Fontenot
Asseff	Conino	Fowler
Avant	Corne	Fulco
Badeaux	D'Gerolamo	Gauthier
Bel	Deshotels	Ginn
Bergeron	Drew	Gravel
Blair	Dunlap	Grier
Bollinger	Edwards	Guarisco
Burns	Elkins	Hardee

Hayes	Miller
Haynes	Mire
Jack	Munson
Jackson, A.	Newton
Jackson, J.	Nunez
Jenkins	O'Neill
Juneau	Perez
Kelly	Planchard
Kilbourne	Rachal
Kilpatrick	Rayburn
Landry, A.	Reeves
Landry, E. J.	Riecke
Lanier	Robinson
LeBleu	Roy
Lowe	Sandoz
McDaniel	Shannon
Mauberret	Silverberg

Total—82.

NAYS

Delegates—

Abraham	Dennerly	Smith
Armentor	Dennis	Stagg
Brien	Derbes	Stovall
Carmouche	Duval	Tobias
Casey	Guidry	Toca
Chehardy	LeBreton	Triche
Conroy	Leithman	Vick
Cowen	Lennox	Zervigon
De Blieux	Segura	

Total—26.

ABSENT

Delegates—

Aertker	Kean	Schmitt
Alexander	Lambert	Soniat
Arnette	Landrum	Tapper
Brown	Leigh	Tate
Cannon	Martin	Vesich
Giarrusso	Ourso	Wall
Heine	Perkins	Willis
Hernandez	Roemer	Womack

Total—24.

And the amendment was adopted.

Delegate Corne moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "register of state lands,"

Delegate LeBleu moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fowler	Landry, E. J.
Anzalone	Gauthier	LeBleu
Asseff	Ginn	Lowe
Avant	Hardee	Mauberret
Bel	Hayes	Miller
Bergeron	Heine	Mire
Blair	Jenkins	Munson
Drew	Kelly	Nunez
Edwards	Kilbourne	O'Neill
Flory	Kilpatrick	Perez

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Planchard	Robinson	Ullo
Rayburn	Slay	Winchester
Reeves	Stinson	Wisham
Riecke	Thompson	
Total—41.		

NAYS

Delegates—	Fayard	Schmitt
Abraham	Fontenot	Segura
Armentor	Fulco	Shannon
Badeaux	Giarrusso	Silverberg
Bollinger	Gravel	Singletary
Brien	Grier	Smith
Brown	Guarisco	Soniat
Burson	Guidry	Stagg
Carmouche	Haynes	Stephenson
Casey	Jack	Stovall
Champagne	Jackson, A.	Sutherland
Chatelain	Jackson, J.	Taylor
Chehardy	Juneau	Thistlethwaite
Conino	Landry, A.	Tobias
Conroy	Lanier	Toca
Corne	LeBreton	Toomy
Cowen	Leithman	Triche
D'Gerolamo	Lennox	Velazquez
De Blieux	McDaniel	Vick
Dennery	Newton	Wall
Dennis	Rachal	Warren
Derbes	Roemer	Weiss
Dunlap	Roy	Willis
Duval	Sandoz	Zervigon
Elkins		
Total—72.		

ABSENT

Delegates—	Hernandez	Ourso
Mr. Chairman	Kean	Perkins
Aertker	Lambert	Tapper
Alexander	Landrum	Tate
Arnette	Leigh	Vesich
Burns	Martin	Womack
Cannon		
Deshotels		
Total—19.		

And the amendment was rejected.

Delegate Bollinger moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "commissioner of the office of consumer affairs,"

Delegate Schmitt moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—	Corne	Flory
Alario	D'Gerolamo	Gauthier
Brown	De Blieux	Gravel
Chatelain	Fayard	Hardee
Conino		

Hayes
Haynes
Jackson, J.
Jenkins
Landry, E. J.
Munson
Newton
Total—31.

Rachal
Riecke
Roemer
Schmitt
Singletary
Soniat
Stovall

Sutherland
Ullo
Velazquez
Warren
Winchester

NAYS

Delegates—	Ginn	Planchard
Abraham	Guarisco	Rayburn
Anzalone	Guidry	Reeves
Armentor	Heine	Robinson
Arnette	Jack	Roy
Asseff	Jackson, A.	Sandoz
Avant	Juneau	Segura
Badeaux	Kean	Shannon
Bel	Kilbourne	Silverberg
Blair	Kilpatrick	Slay
Brien	Landry, A.	Smith
Burson	Lanier	Stagg
Carmouche	LeBleu	Stephenson
Casey	LeBreton	Tate
Champagne	Leithman	Taylor
Chehardy	Lennox	Thistlethwaite
Conroy	Lowe	Thompson
Cowen	McDaniel	Toca
Dennery	Martin	Toomy
Derbes	Mauberret	Triche
Drew	Miller	Vick
Dunlap	Mire	Wall
Duval	Nunez	Weiss
Edwards	O'Neill	Willis
Elkins	Ourso	Wisham
Fontenot	Perez	Zervigon
Fulco		
Giarrusso		
Total—79.		

ABSENT

Delegates—	Deshotels	Leigh
Mr. Chairman	Fowler	Perkins
Aertker	Grier	Stinson
Alexander	Hernandez	Tapper
Bergeron	Kelly	Tobias
Bollinger	Lambert	Vesich
Burns	Landrum	Womack
Cannon		
Dennis		
Total—22.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kelly to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, after the word and punctuation "treasurer," insert the words and punctuation "commissioner of elections,"

Delegate Kelly moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—	Asseff	Bel
Mr. Chairman	Avant	Bergeron
Alario	Badeaux	Blair
Anzalone		

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Bollinger	Hayes	Rachal
Brien	Haynes	Rayburn
Brown	Heine	Reeves
Burson	Hernandez	Robinson
Carmouche	Jack	Roemer
Chatelain	Jackson, A.	Roy
Conino	Jenkins	Shannon
Corne	Juneau	Singletary
Cowen	Kelly	Slay
D'Gerolamo	Kilbourne	Soniat
Deshotels	Kilpatrick	Stephenson
Drew	Landrum	Stinson
Edwards	Landry, E. J.	Thompson
Elkins	LeBleu	Triche
Fayard	Lowe	Ullo
Flory	McDaniel	Velazquez
Fontenot	Martin	Vesich
Fowler	Mauberret	Vick
Fulco	Mire	Wall
Gauthier	Munson	Warren
Giarrusso	Nunez	Weiss
Ginn	O'Neill	Winchester
Gravel	Ourso	Wisham
Grier	Perez	
Hardee	Planchard	
Total—82.		

NAYS

Delegates—	Guidry	Silverberg
Abraham	Jackson, J.	Smith
Armentor	Kean	Stagg
Arnette	Lanier	Stovall
Chehardy	Lennox	Sutherland
Conroy	Miller	Thistlethwaite
De Blieux	Newton	Tobias
Dennery	Riecke	Toca
Derbes	Sandoz	Toomy
Dunlap	Schmitt	Willis
Duval	Segura	Zervigon
Guarisco		
Total—33.		

ABSENT

Delegates—	Dennis	Perkins
Aertker	Lambert	Tapper
Alexander	Landry, A.	Tate
Burns	LeBreton	Taylor
Cannon	Leigh	Womack
Casey	Leithman	
Champagne		
Total—17.		

And the amendment was adopted.

Delegate Kelly moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid of the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt and Abraham to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, after the period “,” add the following: “The legislature shall have the authority to consolidate any of the above offices, except that of governor, lieutenant governor, secretary of state, attorney general, and treasurer.”

Delegate Schmitt moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—	Derbes	Schmitt
Abraham	Gravel	Stagg
Arnette	Jackson, A.	Sutherland
Badeaux	Lennox	Taylor
Brien	Miller	Tobias
Casey	Newton	Velazquez
De Blieux	Rachal	Wall
Dennis		
Total—21.		

NAYS

Delegates—	Giarrusso	Perez
Alario	Ginn	Planchard
Anzalone	Grier	Rayburn
Asseff	Guarisco	Reeves
Avant	Hardee	Riecke
Bel	Hayes	Robinson
Bergeron	Haynes	Roemer
Blair	Heine	Roy
Bollinger	Hernandez	Sandoz
Brown	Jack	Shannon
Burson	Jackson, J.	Silverberg
Carmouche	Jenkins	Singletary
Champagne	Juneau	Slay
Chatelain	Kean	Smith
Chehardy	Kelly	Soniat
Conino	Kilbourne	Stephenson
Conroy	Kilpatrick	Stinson
Corne	Landrum	Thistlethwaite
Cowen	Landry, E. J.	Thompson
D'Gerolamo	Lanier	Toca
Dennery	LeBleu	Toomy
Deshotels	Leithman	Triche
Drew	Lowe	Ullo
Dunlap	McDaniel	Vesich
Edwards	Martin	Weiss
Elkins	Mauberret	Willis
Fayard	Mire	Winchester
Flory	Munson	Wisham
Fontenot	Nunez	Zervigon
Fowler	O'Neill	
Fulco	Ourso	
Gauthier		
Total—91.		

ABSENT

Delegates—	Guidry	Stovall
Mr. Chairman	Lambert	Tapper
Aertker	Landry, A.	Tate
Alexander	LeBreton	Vick
Armentor	Leigh	Warren
Burns	Perkins	Womack
Cannon	Segura	
Duval		
Total—20.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 18, in Delegates Floor Amendment by Delegate Derbes and adopted by the Convention on August 2, 1973, delete the words “commissioner of insurance” and insert in lieu thereof the words “secretary of commerce”

Delegate Jenkins moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—

Anzalone	Jenkins	Singletary
Casey	Landry, E. J.	Soniati
Champagne	Lennox	Stinson
De Blieux	Miller	Taylor
Dunlap	Mire	Ullo
Fayard	Newton	Warren
Fontenot	O'Neill	Wisham
Fowler	Roemer	Zervigon
Hayes	Roy	
Jackson, J.	Schmitt	
Total—28.		

NAYS

Delegates—

Abraham	Fulco	Perez
Alario	Gauthier	Planchard
Arnette	Giarrusso	Rachal
Asseff	Ginn	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bel	Guarisco	Robinson
Blair	Hardee	Sandoz
Brien	Haynes	Shannon
Burson	Heine	Slay
Carmouche	Hernandez	Smith
Conino	Jack	Stagg
Corne	Jackson, A.	Stephenson
Cowen	Juneau	Sutherland
D'Gerolamo	Kean	Tate
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Tobias
Derbes	Leithman	Toca
Deshotels	Lowe	Toomy
Drew	McDaniel	Triche
Duval	Martin	Velazquez
Edwards	Munson	Wall
Elkins	Nunez	Weiss
Flory	Ourso	Willis
Total—72.		

ABSENT

Delegates—

Mr. Chairman	Conroy	Perkins
Aertker	Guidry	Segura
Alexander	Kelly	Silverberg
Armentor	Kilbourne	Stovall
Bergeron	Kilpatrick	Tapper
Bollinger	Lambert	Thompson
Brown	Landrum	Vesich
Burns	Landry, A.	Vick
Cannon	LeBreton	Winchester
Chatelain	Leigh	Womack
Chehardy	Maubert	
Total—32.		

And the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory and Rayburn to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 24, after the word "function" change the comma "," to a period "." and delete the remainder of the line and delete line 25 in its entirety.

Delegate Flory moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 13 yeas and 93 nays the amendment was rejected.

Delegate Arnette moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Miller in the Chair

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Duval and Silverberg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 25, after the partial word "ments" change the period "." to a comma "," and add the following: "as provided by law."

Delegate Lanier moved the adoption of the amendment.

Delegate Stagg objected.

By a vote of 31 yeas and 69 nays the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone and Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 23, delete the words "offices of governor and lieutenant governor" and insert in lieu thereof the words "statewide elective offices"

Delegate Anzalone moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 31 yeas and 65 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Weiss sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Weiss and Flory to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 23, after the words "lieutenant governor," and before the word "shall" insert the following: "and boards, commissions, and agencies which operate solely on self-generating funds,"

Delegate Weiss moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 21 yeas and 82 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

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Delegate Deshotels sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Kelly, Deshotels, and Anzalone to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, at the end of the line, after the word "state" delete the remainder of the line

AMENDMENT No. 2—

On page 1, line 18, at the beginning of the line, delete the word "eral"

Delegate Deshotels moved the adoption of the amendments.

Delegate Gravel objected.

By a vote of 50 yeas and 49 nays the amendment was adopted.

Delegate Kelly moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 1, was read, as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Planchard
Alario	Gauthier	Rayburn
Anzalone	Giarrusso	Reeves
Asseff	Ginn	Robinson
Avant	Grier	Roemer
Badeaux	Guidry	Roy
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Shannon
Brien	Heine	Silverberg
Brown	Jack	Singletary
Burson	Jackson, A.	Slay
Casey	Jackson, J.	Smith
Champagne	Jenkins	Soniat
Chatelain	Juneau	Stagg
Chehardy	Kean	Stephenson
Conino	Kelly	Stovall
Conroy	Kilbourne	Tate
Corne	Landry, E. J.	Taylor
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBleu	Thompson
Dennery	LeBreton	Toca
Derbes	Leithman	Toomy
Deshotels	Lennox	Triche
Drew	Martin	Ullo
Dunlap	Miller	Vick
Duval	Mire	Warren
Edwards	Munson	Weiss
Fayard	Newton	Willis
Flory	Nunez	Wisham
Fontenot	O'Neill	
Total—95.		

NAYS

Delegates—		
De Blieux	Sutherland	Zervigon
Total—3.		

ABSENT

Delegates—		
Aertker	Hernandez	Riecke
Alexander	Kilpatrick	Segura
Armentor	Lambert	Stinson
Arnette	Landrum	Tapper
Bel	Landry, A.	Tobias
Burns	Leigh	Velazquez
Cannon	Lowe	Vesich
Carmouche	McDaniel	Wall
Dennis	Mauberret	Winchester
Elkins	Ourso	Womack
Gravel	Perkins	
Guarisco	Rachal	
Total—34.		

And the Chair declared that the above Section was passed.

Delegate Stagg moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up other orders of business at this time.

Mr. Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

Baton Rouge, La.
August 2, 1973.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

DELEGATE RESOLUTION No. 26—

Introduced by Delegates Juneau, Fayard, T. Casey and Kelly:

A RESOLUTION

Relative to amending the Standing Rules of the Constitutional Convention to provide for regulation of lobbying before the Constitutional Convention.

BE IT RESOLVED that Rule No. 90 is adopted to read as follows:

Rule No. 90. Lobbying

A. Definitions. When used in this Rule:

1. The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

2. The term "clerk" means the clerk of the Constitutional Convention of Louisiana of 1973.

3. The term "convention" means the Constitutional Convention of Louisiana of 1973, its committees, sub-committees, and delegates.

4. The term "proposition" means proposals, resolutions, amendments, nominations, and other matters pending or proposed in the convention and includes any other matter which possibly may become the subject of action by the convention.

B. Persons to Whom Applicable. The provisions of this Rule shall apply to any person, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

1. The passage or defeat of any proposition by the convention.

2. To influence, directly or indirectly, the passage or defeat of any proposition by the convention.

C. Registration of Lobbyists with the Clerk; Compilation of Information.

Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any proposition by the convention

shall, before doing anything in furtherance of such object, register with the clerk and shall give to him in writing his name and business address, the name and address of the person by whom he is employed and in whose interest he appears or works, the duration of such employment, and by whom he is paid or is to be paid. This resume shall be published by the clerk in a loose-leaf-type book to be maintained in the office of the clerk for the use of each delegate of the convention. This book shall be kept current during the convention as each person registers as required by the provisions of this Rule.

DELEGATE RESOLUTION No. 30—

Introduced by Delegate Burson:

A RESOLUTION

To amend Rule No. 46 of the Standing Rules of the Constitutional Convention to require that amendments to proposals be germane.

BE IT RESOLVED that Rule No. 46 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 46. Amendments. Amendments shall be submitted in writing, and a copy of every amendment shall be distributed to each delegate before a vote occurs thereon. Every amendment proposed must be germane to the subject of the section or paragraph of the proposal to be amended, and/or to the subject of the proposal itself, and an amendment is not in order which is not germane to the question to be amended.

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Mr. Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

Baton Rouge, La.

August 2, 1973

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

COMMITTEE RESOLUTION No. 8—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, McDaniel, Mire, Singletary, Velazquez and Warren:

A RESOLUTION

Amending Rule No. 40 of the Standing Rules of the Constitutional Convention to clarify the requirement that each committee proposal shall bear the signature of a majority of the members of the committee.

BE IT RESOLVED that Rule No. 40 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 40. Introduction of Committee Proposals. Committee proposals prepared and approved by the several committees of the convention prior to July 5, 1973, shall constitute the first proposals to be introduced in the Convention and shall be introduced by the chairman of each committee or his designee and shall bear the names of those delegates voting for each such proposal, which in each case shall be at least a majority of the members of the committee. These proposals as far as completed shall be mailed to all Convention delegates on or before June 22, 1973.

COMMITTEE RESOLUTION No. 9—

Introduced by Delegate Stovall, Chairman, on behalf of the Committee on Rules, Credentials and Ethics, and Delegates Arnette, Bel, Bollinger, Corne, Elkins, Flory, Haynes, McDaniel, Mire, Sandoz, Shannon, Singletary, Stagg, Velazquez, and Warren:

A RESOLUTION

To adopt standing rules to regulate the use of duplicating equipment and the distribution of materials to delegates while in session.

WHEREAS, delegates to the Constitutional Convention while in discussion during sessions have been interrupted by the distribution of numerous loose-leaf communications in duplicated form from unidentified sources, some of which have been prepared on convention equipment; and

WHEREAS, for purposes of open-minded debate and orderly discussion while in session, the delegates desire desclosure of all informational sources and maintenance of proper decorum on the floor of the convention; and

WHEREAS, delegates to the Constitutional Convention are vitally interested in controlling the use and cost of duplicating equipment and materials.

THEREFORE, BE IT RESOLVED that Rule No. 91 is adopted to read as follows:

Rule 91. Duplication and Distribution of Materials

A. Only material pertinent to the business of the convention may be duplicated on equipment owned, rented, or otherwise operated, under the auspices of the Constitutional Convention. Duplication and distribution of all materials shall be supervised by the chairman of the convention.

The chairman of the convention or a majority of the delegates present and voting may grant exceptions to this Rule.

B. All materials which are placed on the desks of convention delegates must bear the name of the person or persons or the organization or organizations responsible for the preparation and distribution of the material.

COMMITTEE RESOLUTION No. 10—

Introduced by Reverend Stovall, Chairman, of behalf of the Committee on Rules, Credentials, and Ethics and Delegates:

A RESOLUTION

To amend and readopt Rule No. 30 of the Standing Rules of the Constitutional Convention to provide for the limitation of debate.

BE IT RESOLVED that Rule No. 30 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 30. Limits on Debate. Delegates shall not speak more than once nor more than five minutes, to the same question, without leave of the convention, except that the mover, proposer, or introducer of the matter pending, and/or his designees, shall be permitted to speak for a total of not more than ten minutes for purposes of opening plus five minutes for questions. The mover, proposer, or introducer shall not be recognized to close until every delegate choosing to speak has spoken except when the previous question or the previous question on the entire subject matter has been ordered, but when so ordered, he shall have the right nonetheless to close and shall be limited to five minutes for closing.

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

August 1, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 3—

Introduced by Delegate Blair, Chairman, on behalf of the

Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE III. LEGISLATIVE DEPARTMENT

Section 1. Legislative Power of State; Vesting; Continuous Body

Section 1. (A) The legislative power of the state is vested in a legislature, consisting of a Senate composed of one senator elected from each senatorial district and a House of Representatives composed of one representative elected from each representative district.

(B) The legislature shall be a continuous body during the term for which its members are elected, provided that bills and resolutions not finally passed by both houses in any session of the legislature shall be automatically withdrawn from its files.

Section 2. Sessions; Annual, Extraordinary

Section 2. (A) The legislature shall meet annually in regular session in the state capitol during a period of eighty-five calendar days for not more than sixty legislative days. A legislative day is a calendar day on which either house is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at twelve o'clock noon on the third Monday in April of each year. No new matter intended to have the effect of law shall be introduced or received by either house of the legislature after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. During any regular annual session held in an odd-numbered year, no measures levying new taxes or increasing existing taxes shall be introduced or enacted.

(B) The legislature may be convened at other times by the governor or, shall be convened upon the written petition of a majority of the elected members of each house, by the presiding officers of both houses. Such petition shall be in such form as shall be provided by law. The governor or the presiding officers of both houses, as the case may be, shall issue a proclamation at least five days prior to convening the legislature into extraordinary session. The proclamation shall state the object or objects for convening the legislature in extraordinary sessions, the date on which the legislature is to be convened, and the number of days for which the legislature is convened. The power to legislate, under the penalty of nullity, shall be limited to the objects specifically enumerated in the proclamation convening the extraordinary session, and the session shall be limited to the number of days named therein, which shall never exceed thirty calendar days.

The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Section 3. Size

Section 3. The number of members of the legislature shall be provided by law, but the number of Senate members shall not exceed thirty-nine and the number of House members shall not exceed one hundred five.

Section 4. Qualifications; Residence Requirements; Term; Vacancies; Salary

Section 4. (A) Every person, who is an elector and has reached the age of eighteen years at the time of qualifications for the office, shall be eligible for membership in the legislature.

(B) No person shall be eligible to membership in the legislature unless at the time of qualification for the office he shall have been a resident of the state for two years and actually domiciled within the legislative district from which he seeks election for one year immediately preceding qualification for office. However, at the next regular election for members of the legislature following the reapportionment

of the legislature, a person may qualify for election to either house of the legislature from any district created in whole or in part from the district existing prior to reapportionment in which such person was domiciled, if he was domiciled in that prior district for at least one year immediately preceding his election and if he was a resident of the state for at least two years immediately preceding his election. The seat of any member who changes his domicile from the legislative district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of a retention of domicile to the contrary notwithstanding.

(C) The members of the legislature shall be elected for terms of four years each.

(D) When a vacancy occurs in either house of the legislature, the remainder of the term shall be filled only by election, as provided by law.

Section 5. Legislative Apportionment; Judicial Review; Apportionment by Supreme Court

Section 5. (A) Not later than the end of the first year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall apportion the representation in each house as equally as practicable on the basis of the total state population as shown by the census.

(B) If the legislature fails to apportion itself as required in Paragraph (A) of this Section, the supreme court, upon petition by any elector, shall apportion each house as provided in Paragraph (A) of this Section.

(C) The procedure for review and petition shall be provided by law.

Section 6. Judging Qualifications and Elections, Procedural Rules; Discipline; Officers

Section 6. (A) Each house shall be the judge of the qualifications and elections of its own members, determine the rules of its procedure, not inconsistent with the provisions of this constitution, and may punish its members for disorderly conduct or contempt and, with the concurrence of two-thirds of its elected members, may expel a member. Expulsion shall create a vacancy in the office.

(B) Each house shall have power to compel the attendance and testimony of witnesses and the production of books and papers before such house as a whole, before any committee thereof, or before joint committees of the houses and shall have the power to punish for contempt those in willful disobedience of its orders.

(C) Each house shall choose its own officers, including a permanent presiding officer selected from its membership, who shall be designated in the Senate as the president of the Senate and in the House as the speaker of the House of Representatives. The clerical officers of the two houses shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom shall have the power to administer oaths.

Section 7. Privileges and Immunities

Section 7. The members of the legislature shall in all cases, except felony, be privileged from arrest during their attendance at the sessions and committee meetings of their respective houses and in going to and returning from the same. No member shall be questioned in any other place for any speech or debate in either house.

Section 8. Conflict of Interest

Section 8. Legislative office is a public trust and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature.

Section 9. Quorum; Compulsory Attendance; Journal; Adjournment; Consent of Other House

Section 9. (A) Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and shall have power to compel the attendance of absent members.

(B) Each house shall keep a journal of its proceedings, and cause the same to be published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with said yeas and nays being published in the journal.

(C) Whenever the legislature is in session neither house

shall adjourn for more than three days or to any other place than that in which it is then meeting, without the consent of the other house.

Section 10. Legislative Auditor

Section 10. There shall be a legislative auditor who shall be elected by the consent of a majority of the elected members of each house and may be removed by the consent of two-thirds of the elected members of each house. The legislative auditor shall be responsible solely to the legislature and shall serve as a fiscal advisor to the legislature. He shall perform such duties and functions relating to the auditing of the fiscal records of state and local governments as are provided by law.

Section 11. Compensation of Elected Public Officers; Reduction

Section 11. The compensation of elected public officers shall not be reduced during the term for which they are elected.

Section 13. Local or Special Laws; Notice of Intention; Publication

Section 13. No local or special law shall be enacted by the legislature unless notice of the intention to introduce such law has been published, without cost to the state, in the official journal of the locality where the matter or things to be affected are situated on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law. Every such bill shall contain a recital that the notice has been given.

Section 14. Suits Against the State

Section 14. (A) Neither the state nor any of its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property.

(B) In other cases the legislature may authorize suit to be filed against the state, its agencies and political subdivisions and any concurrent resolution enacted for the purpose shall waive immunity from suit and liability.

(C) The legislature shall provide for a method of procedure and the effects of the judgments which may be rendered in all cases against the state, its agencies and political subdivisions.

(D) Public property and funds shall not be subject to seizure, and no judgment against the state, its agencies or political subdivision shall be exigible, payable, or paid except out of funds appropriated for payment by the state, its agencies or political subdivision against whom judgment is rendered.

Section 15. Continuity of Government

Section 15. The legislature shall provide for the orderly and temporary continuity of state government, in periods of emergency, until such time as the normal processes of government can be reestablished in accordance with the constitution and laws of the state. Except as otherwise provided in this constitution, it shall also provide for the prompt and temporary succession to the powers and duties of public offices, the incumbents of which may become unavailable to execute the functions of their offices.

Section 16. Style of Laws; Enacting Clause

Section 16. The style of the laws enacted by the legislature of this state shall be: "Be it enacted by the Legislature of Louisiana." It shall not be necessary to repeat the enacting clause after the first section of an act.

Section 17. Passage of Bills

Section 17. (A) The legislature shall enact no law except by a bill introduced during a session of the legislature, and shall propose no amendment to the constitution except by a joint resolution introduced during a session of the legislature, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object and every bill shall contain a brief title indicative of its object. No action on any matter intended to have the effect of law shall be taken except in open, public meeting.

(B) All bills enacting, amending, or reviving laws shall set forth completely the provisions of the laws enacted,

amended, or revived, and no system or code of laws shall be adopted by general reference to such system or code of laws.

(C) No bill shall be amended in its passage through either house so as to make a change not germane to the bill as originally introduced.

(D) Every bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless and until a public hearing has been held on such bill and it has been reported on by a committee.

(E) No bill which has been rejected by either house may again be proposed or considered in the same house during the same session without the consent of a majority of the members elected to the house which rejected it.

(F) No amendments to bills by one house shall be concurred in by the other, nor shall any conference committee report be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote.

(G) No bill shall become law without the concurrence of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. At the request of one-fifth of the members elected to either house, a record vote shall be taken on any other measure or for any other purpose.

Section 18. Appropriations

Section 18. (A) No money shall be withdrawn from the state treasury except through specific appropriation, and, except as otherwise provided in this constitution, no appropriation of money shall be made under the heading of contingencies, nor shall any appropriation be made for longer than one year.

(B) All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

(C) The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt and interest thereon.

(D) All other bills for appropriating money shall be for a specific purpose and for a specific amount.

(E) Any bill appropriating money in an extraordinary session of the legislature convened after final adjournment of the regular session held in the last year of the term of office of a governor, except for expenses of the legislature, shall require the approval of three-fourths of the elected members of each house.

Section 19. Signing of Bills; Delivery to Governor

Section 19. (A) A bill that has been passed by both houses of the legislature shall be signed by the presiding officers of both houses and shall be submitted to the governor for his signature or other action. Delivery to the governor shall be within three days after passage.

(B) No joint, concurrent, or other resolution shall require the signature or other action of the governor.

Section 20. Signature of Governor on Bills; Veto

Section 20. (A) A bill, except a joint resolution, shall become law if the governor does not sign or veto the bill within ten days after its delivery to him if the legislature is in session or within twenty days if the legislature is adjourned.

(B) If the governor does not approve of a bill, he may veto it and shall return it to the legislature, with his veto message, within twelve days after its delivery to him if the legislature is in session. If the legislature has adjourned before the governor vetoes or returns one or more bills, he shall return them, with his veto message, to the legislature as provided by law. Any bill thus returned by the governor and subsequently approved by two-thirds of the elected members of each house shall become law.

(C) The legislature shall meet in veto session at the seat of government at twelve o'clock noon on the fortieth day following the sine die adjournment of the most recent session of the legislature for the purpose of considering all measures vetoed by the governor, except that if such day falls on a Sunday the session shall convene at noon on the next succeeding Monday. No veto session shall exceed five calendar days in length, and any veto session may be adjourned sine die prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a simple majority of the elected members of either or both houses indicate in writing

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that a veto session is not necessary. Such written notice must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene.

Section 21. Effective Date of Laws

Section 21. All laws shall be published in the official journal of the state as provided by law and thereafter shall take effect on the sixtieth day after final adjournment of the session in which they were enacted. However, any bill may specify an earlier or later effective date.

Section 22. Suspension of Laws

Section 22. No power of suspending laws of this state shall be exercised except by the legislature and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of the law proposed to be suspended. After the effective date of this constitution every resolution suspending a law shall fix the period of the suspension, which shall not extend beyond the effective date of the laws enacted at the next regular session of the legislature.

Section 23. Corporations; Perpetual or Indefinite Duration; Dissolution; Perpetual Franchises or Privileges

Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege to any person or corporation; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law.

Section 24. Impeachment

Section 24. (A) Any state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies, malfeasance, or for gross misconduct during his term of office.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute.

Section 25. Removal by Suit; Officers Subject

Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall by general law provide for the removal by suit of any state, district, parochial, ward, or municipal officer except the governor, lieutenant governor, and judges of the courts of record.

Section 26. Recall

Section 26. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal officer except judges of the courts of record. The sole issue at any recall election shall be whether such officer shall be recalled.

Section 27. Taking Office

Section 27. (A) Members of the legislature shall take office thirty days prior to the date for the convening of the first session of each term for which members are elected every four years.

(B) A person elected to fill an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, the above Proposal was referred to the Committee on Style and Drafting.

Committee Notice

Delegate Dennis, chairman of the Committee on the Judiciary, sent up the following notice:

The Committee on the Judiciary will meet on Friday, August 3, 1973 after adjournment in Convention Hall and will consider the following agenda:

AGENDA

Continue consideration of Committee Proposal No. 6

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on
the Judiciary.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Committee Notice

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, August 9, 1973 at 9:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

Continuation of hearings on education.

Continuation of consideration of proposals referred to the committee to wit:

Delegate Proposal 8
Delegate Proposal 9
Delegate Proposal 10
Committee Proposal 7

Respectfully submitted,

ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Committee Notice

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, August 8, 1973 at 7:00 o'clock P.M. in the Senate Lounge and will consider the following agenda:

AGENDA

To consider Committee Proposal No. 3

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Shannon moved that the Convention do now adjourn until Friday, August 3, 1973 at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, August 3, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

TWENTY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, August 3, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginn	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Robinson
Arnette	Guarisco	Roemer
Asseff	Guidry	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Heine	Shannon
Blair	Hernandez	Silverberg
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Smith
Burns	Jenkins	Soniati
Burson	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Landrum	Taylor
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennery	Lowe	Ullo
Dennis	McDaniel	Velazquez
Derbes	Martin	Vesich
Deshotels	Mauberret	Vick
Drew	Miller	Wall
Dunlap	Mire	Warren
Duval	Munson	Weiss
Edwards	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Zervigon
Fowler	Perez	
Total—122.		

ABSENT

Delegates—		
Armentor	Landry, A.	Tate
Cannon	Leigh	Womack
Elkins	Perkins	
Lambert	Tapper	
Total—10.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Hardee led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Riecke, the reading of the Journal
was dispensed with.

On motion of Delegate Riecke, the Journal of yesterday was
adopted.

Morning Hour

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals
on second reading to be referred to committees were taken up,
read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state
budget.

Read.

Under the rules the above proposal was referred to the
Committee on Executive Department.

Reports of Committees Lying Over

Delegate and Committee Resolutions and Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions
reported by Committees were taken up and acted upon as
follows:

DELEGATE PROPOSAL No. 1—

Introduced by Delegate Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

Read.

Reported without action by the Committee on Local and
Parochial Government with a recommendation that the Pro-
posal be recommitted to the Committee on Education and
Welfare.

On motion of Delegate Aertker the Proposal was recom-
mended to the Committee on Education and Welfare.

DELEGATE RESOLUTION No. 27—

Introduced by Delegate Brown:

A RESOLUTION

To extend greetings and commendations to the surviving
delegates of the Louisiana Constitutional Convention of
1921 and to request their assistance and advice in the
work of this convention.

Read.

Reported favorably by the Committee on Rules, Credentials
and Ethics.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 28—

Introduced by Delegates Asseff, Lennox, Miller, Plan-
chard, Wisham and Anzalone:

A RESOLUTION

Relative to reports of substantive committees.

Read.

Reported unfavorably by the Committee on Rules, Creden-
tials and Ethics.

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On motion of Delegate Stovall the Resolution was withdrawn from the files of the Convention.

DELEGATE RESOLUTION No. 33—

Introduced by Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure.

Read.

Reported with the following amendments by the Committee on Rules, Credentials and Ethics.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Rules, Credentials, and Ethics to Delegate Resolution No. 33 by Delegate Leithman.

Amend printed Resolution as follows:

AMENDMENT No. 1—

On page 1, line 14, change the numeral and letter "2A." to the numeral "3."

AMENDMENT No. 2—

On page 1, line 15, change the numeral "3." to the numeral "4."

AMENDMENT No. 3—

On page 1, line 16, change the numeral "4." to the numeral "5."

AMENDMENT No. 4—

On page 1, line 17, change the numeral "5." to the numeral "6."

AMENDMENT No. 5—

On page 1, line 18, change the numeral "6." to the numeral "7."

AMENDMENT No. 6—

On page 1, line 19, change the numeral "7." to the numeral "8."

AMENDMENT No. 7—

On page 1, line 20, change the numeral "8." to the numeral "9."

AMENDMENT No. 8—

On page 1, line 21, change the numeral "9." to the numeral "10."

AMENDMENT No. 9—

On page 1, line 22, change the numeral "10." to the numeral "11."

AMENDMENT No. 10—

On page 1, line 23, change the numeral "11." to the numeral "12."

On motion of Delegate Leithman the amendments were adopted.

Ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 34—

Introduced by Delegate Asseff:

A RESOLUTION

To amend Rule No. 76 relative to the previous question.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Stovall the Resolution was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the Conven-

tion was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Charman, on behalf of the Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide elective office a person must have attained the age of twenty-five years by the date of his election and be a citizen of the United States and of this state for at least five years immediately preceding the date of his election. He shall hold no other public office, except by virtue of his office, during his tenure in office.

(B) The attorney general shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

Read.

Delegate D'Gerolamo sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates D'Gerolamo, Taylor, Tobias, Chehardy and Alario to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 27 through 30 in their entirety and insert in lieu thereof the following:

"Section 2. (A) To be eligible for any statewide elective office a person must be an elector who has reached the age of eighteen years at the time of qualification for office and must be a citizen of the United States and of this state for five years.

AMENDMENT No. 2—

On page 1, at the beginning of line 31, delete the following words:
"preceding the date of his election."

Delegate Tobias moved the adoption of the amendments.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Derbes	Rachal
Alexander	Fontenot	Robinson
Bel	Hayes	Singletary
Bergeron	Haynes	Soniat
Brown	Jackson, A.	Taylor
Carmouche	Jackson, J.	Tobias
Champagne	Jenkins	Toca
Chehardy	Landrum	Velazquez
D'Gerolamo	Landry, E. J.	Wisham
Dennis	O'Neill	Zervigon
Total—30.		

NAYS

Delegates—

Abraham	Arnette	Badeaux
Anzalone	Asseff	Blair

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Bollinger	Grier	Planchard
Brien	Guarisco	Rayburn
Burns	Guidry	Reeves
Burson	Hardee	Riecke
Casey	Heine	Roy
Chatelain	Hernandez	Sandoz
Conino	Jack	Shannon
Conroy	Juneau	Silverberg
Cowen	Kilbourne	Slay
De Blieux	Kilpatrick	Smith
Dennergy	Lanier	Stagg
Drew	LeBleu	Stephenson
Dunlap	Leithman	Stinson
Duval	Lennox	Stovall
Fayard	Lowe	Sutherland
Flory	McDaniel	Thistlethwaite
Fowler	Martin	Toomy
Fulco	Miller	Triche
Gauthier	Mire	Ullo
Giarrusso	Munson	Weiss
Ginn	Nunez	Winchester
Gravel	Perez	
Total—71.		

ABSENT

Delegates—		
Mr. Chairman	Lambert	Segura
Aertker	Landry, A.	Tapper
Armentor	LeBreton	Tate
Avant	Leigh	Thompson
Cannon	Mauberret	Vesich
Corne	Newton	Vick
Deshotels	Ourso	Wall
Edwards	Perkins	Warren
Elkins	Roemer	Willis
Kean	Schmitt	Womack
Kelly		
Total—31.		

And the amendments were rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 29, immediately after the word "his" and before the word "and" delete the word "election" and insert in lieu thereof the words "qualification as a candidate for office"

AMENDMENT No. 2—

On page 1, line 31, immediately after the word "his" and before the period "." delete the word "election" and insert in lieu thereof the words "qualification as a candidate for office"

Delegate Abraham moved the adoption of the amendments.

Delegate Soniat objected.

By a vote of 86 yeas and 3 nays the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Fayard sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fayard to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 29, immediately after the word "election" and before the word "and" insert a comma "," and the words "an elector"

On motion of Delegate Fayard the amendment was withdrawn.

Delegate Fayard sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fayard to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 19, immediately after the word "office" added by Floor Amendment No. 1, proposed by Delegate Abraham and adopted by the Convention on August 3, 1973, and before the word "and" insert the following: "be an elector"

On motion of Delegate Fayard the amendment was adopted.

Delegate Fayard moved to reconsider the motion by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 2, after the words "general shall" and before the words "have been" insert the following: "be the state's chief legal officer, head the department of justice, and shall"

Delegate Gravel moved the adoption of the amendment.

Delegate Bergeron objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	De Blieux	Jackson, J.
Abraham	Dennergy	Juneau
Alario	Dennis	Kean
Alexander	Derbes	Kelly
Anzalone	Deshotels	Kilbourne
Aseff	Dunlap	Landry, E. J.
Avant	Duval	Lanier
Badeaux	Edwards	LeBleu
Bel	Flory	LeBreton
Blair	Fontenot	Lennox
Bollinger	Fowler	Lowe
Brien	Fulco	McDaniel
Brown	Gauthier	Martin
Burns	Giarrusso	Mauberret
Burson	Ginn	Miller
Carmouche	Gravel	Mire
Casey	Grier	Munson
Champagne	Guarisco	Nunez
Chatelain	Hardee	O'Neill
Chehardy	Hayes	Perez
Conino	Heine	Planchard
Cowen	Hernandez	Rayburn
D'Gerolamo	Jack	Reeves

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Riecke	Soniat	Toca
Roemer	Stagg	Toomy
Roy	Stephenson	Triche
Sandoz	Stovall	Ullo
Shannon	Sutherland	Velazquez
Silverberg	Taylor	Vick
Singletary	Thistlethwaite	Weiss
Slay	Thompson	Winchester
Smith	Tobias	Zervigon
Total—96.		

NAYS

Delegates—	Jenkins	Warren
Bergeron	Stinson	
Conroy		
Total—5.		

ABSENT

Delegates—	Kilpatrick	Robinson
Aertker	Lambert	Schmitt
Armentor	Landrum	Segura
Arnette	Landry, A.	Tapper
Cannon	Leigh	Tate
Corne	Leithman	Vesich
Drew	Newton	Wall
Elkins	Ourso	Willis
Fayard	Perkins	Wisham
Guidry	Rachal	Womack
Haynes		
Jackson, A.		
Total—31.		

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 3, immediately after the words "least the" and before the word "years" delete the word "five" and insert in lieu thereof the word "four"

Delegate Dennery moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 36 yeas, 62 nays the amendment was rejected.

Delegate Stinson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 2, was read, as amended. Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Bergeron	Champagne
Mr. Chairman	Blair	Chatelain
Abraham	Bollinger	Chehardy
Alario	Brien	Conino
Alexander	Brown	Conroy
Anzalone	Burns	Cowen
Asseff	Burson	D'Gerolamo
Avant	Carmouche	De Blieux
Badeaux	Casey	Dennery
Bel		

Dennis	Kilbourne	Silverberg
Derbes	Landry, E. J.	Singletary
Deshotels	Lanier	Slay
Dunlap	LeBleu	Smith
Duval	LeBreton	Stagg
Edwards	Lennox	Stephenson
Flory	Lowe	Stinson
Fontenot	Martin	Stovall
Fowler	Maubertret	Sutherland
Fulco	Miller	Thistlethwaite
Gauthier	Mire	Thompson
Giarrusso	Nunez	Toca
Ginn	O'Neill	Toomy
Gravel	Perez	Triche
Grier	Planchard	Ullo
Guarisco	Rayburn	Velazquez
Heine	Reeves	Vick
Hernandez	Riecke	Warren
Jack	Robinson	Weiss
Jenkins	Roemer	Willis
Juneau	Roy	Winchester
Kean	Sandoz	Wisham
Kelly	Shannon	Zervigon
Total—96.		

NAYS

Delegates—	Soniat	Tobias
Hayes	Taylor	
Jackson, J.		
Total—5.		

ABSENT

Delegates—	Jackson, A.	Perkins
Aertker	Kilpatrick	Rachal
Armentor	Lambert	Schmitt
Arnette	Landrum	Segura
Cannon	Landry, A.	Tapper
Corne	Leigh	Tate
Drew	Leithman	Vesich
Elkins	McDaniel	Wall
Fayard	Munson	Womack
Guidry	Newton	
Hardee	Ourso	
Haynes		
Total—31.		

And the Chair declared that the above Section was passed.

Delegate Stagg moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Elections and Terms

Section 3. (A) The governor, lieutenant governor, secretary of state, attorney general, and treasurer shall each be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the next succeeding term.

(B) The returns of the election of such officials shall be transmitted to and promulgated by the secretary of state in a manner as shall be provided by statute. The person having the greatest number of votes for each office shall be declared elected.

(C) If two or more persons have an equal and the highest number of votes for an office, they shall draw lots to determine the winner. The secretary of state shall arrange for the drawing of lots within ten days after the election results are promulgated, and the decision as to the winner shall be final and conclusive.

(D) The term of office of each elected official shall begin at noon on the second Monday in March next following the election.

(E) No official shall be elected statewide, except as provided by this constitution.

Read.

Delegate Asseff sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Asseff, Alario, Anzalone, Avant, Bel, Blair, Bollinger, Burns, Burson, Champagne,

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Chehardy, Conino, D'Gerolamo, Dennery, Deshotels, Drew, Flory, Fowler, Gauthier, Ginn, Gravel, Grier, Jenkins, Kelly, Kilbourne, Lowe, McDaniel, Munson, Nunez, O'Neill, Rayburn, Reeves, Robinson, Roemer, Shannon, Slay, Stinson, Thompson, Toca, Ullo, Velazquez, Weiss, Winchester and Wisham to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 7, immediately after the comma “,” which follows the word “general” and before the word “and” insert the following:

“commissioner of agriculture, commissioner of elections, commissioner of insurance,”

Delegate Asseff moved the adoption of the amendment. Delegate Stagg objected.

By a vote of 92 yeas 15 nays the amendment was adopted.

Delegate Asseff moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn, Roy, Reeves, Corne, Nunez, Robinson, Alaria, Alexander, Anzalone, Avant, Bel, Blair, Burns, Chatelain, Conino, D'Gerolamo, Deshotels, Drew, Edwards, Flory, Fowler, Gauthier, Ginn, Grier, Kilbourne, Hernandez, Jack, J. Jackson, Jenkins, Juneau, Kelly, E. J. Landry, Lanier, McDaniel, Mauberret, Miller, Munson, O'Neill, Perez, Planchard, Riecke, Roemer, Shannon, Slay, Stephenson, Stinson, Taylor, Thompson, Toca, Ullo, Velazquez, Warren and Winchester to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

In Amendment No. 1 proposed by Delegate Asseff and adopted by the convention on August 3, 1973 after the word “insurance” insert the following:

“superintendent of education”

Delegate Rayburn moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	Kelly
Alario	Edwards	Kilbourne
Alexander	Fayard	Kilpatrick
Anzalone	Flory	Landry, E. J.
Avant	Fontenot	Lanier
Badeaux	Fowler	LeBleu
Bel	Fulco	Lowe
Bergeron	Gauthier	McDaniel
Blair	Ginn	Martin
Brown	Gravel	Mauberret
Burns	Grier	Miller
Carmouche	Hardee	Mire
Champagne	Hayes	Newton
Chatelain	Heine	Nunez
Chehardy	Hernandez	O'Neill
Conino	Jack	Perez
Corne	Jackson, A.	Planchard
D'Gerolamo	Jackson, J.	Rayburn
Deshotels	Jenkins	Reeves
Drew	Juneau	Riecke

Robinson
Roemer
Roy
Sandoz
Schmitt
Shannon
Singletary
Total—79.

Slay
Soniat
Stephenson
Stinson
Taylor
Thompson
Toca

Ullo
Velazquez
Vick
Warren
Winchester

NAYS

Delegates—

Abraham
Arnette
Asseff
Bollinger
Brien
Burson
Casey
Conroy
Cowen
De Blieux
Dennery
Total—32.

Dennis
Derbes
Duval
Giarrusso
Guarisco
Landrum
LeBreton
Leithman
Lennox
Silverberg
Smith

Stagg
Stovall
Sutherland
Thistlethwaite
Tobias
Toomy
Triche
Weiss
Wisham
Zervigon

ABSENT

Delegates—

Aertker
Armentor
Cannon
Elkins
Guidry
Haynes
Kean
Total—21.

Lambert
Landry, A.
Leigh
Munson
Ourso
Perkins
Rachal

Segura
Tapper
Tate
Vesich
Wall
Willis
Womack

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and lay that motion on the table.

Delegate Jenkins objected.

By a vote of 61 yeas and 43 nays the motion to reconsider was tabled.

Delegate Schmitt sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 7, after the word and punctuation “attorney general,” insert the following:

“commissioner of the office of consumer affairs,”

Delegate Schmitt moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 26 yeas, 66 nays the amendment was rejected.

Delegate Thompson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Fontenot sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fontenot, Jack, Smith, Lennox, Stinson and Deshotels to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 9, delete the words “a person” and delete lines 10, 11, 12 in their entirety and insert in lieu thereof the following:

“No person shall be eligible as a candidate for nomination, election or reelection to the office of governor for the term immediately following the term to which he was elected as governor; however, this provision shall not apply to the

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governor in office at the time of the adoption of this constitution, who shall be subject to law in effect at the time of his election."

Delegate Fontenot moved the adoption of the amendment.

Delegate LeBreton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	McDaniel
Aertker	Grier	Miller
Armentor	Hernandez	O'Neill
Badeaux	Jack	Roemer
Burns	Jenkins	Singletary
Burson	Kean	Smith
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Ullo
Cowen	Landry, E. J.	Wall
Deshotels	LeBleu	Warren
Drew	Lennox	Willis
Fontenot	Lowe	
Total—35.		

NAYS

Delegates—		
Abraham	Flory	Riecke
Alario	Fowler	Robinson
Alexander	Fulco	Roy
Anzalone	Gauthier	Sandoz
Arnette	Ginn	Schmitt
Asseff	Gravel	Segura
Avant	Guarisco	Shannon
Bel	Hardee	Silverberg
Bergeron	Hayes	Slay
Blair	Haynes	Soniat
Bollinger	Heine	Stagg
Brien	Jackson, A.	Stephenson
Brown	Jackson, J.	Stovall
Carmouche	Juneau	Sutherland
Casey	Kelly	Thistlethwaite
Chehardy	Lanier	Thompson
Conino	LeBreton	Tobias
Conroy	Leithman	Toomy
D'Gerolamo	Martin	Triche
De Blieux	Mire	Velazquez
Dennerly	Newton	Vick
Dennis	Nunez	Weiss
Derbes	Perez	Winchester
Dunlap	Planchard	Wisham
Duval	Rayburn	Zervigon
Fayard	Reeves	
Total—77.		

ABSENT

Delegates—		
Cannon	Landry, A.	Tapper
Corne	Leigh	Tate
Edwards	Mauberet	Taylor
Elkins	Munson	Toca
Guidry	Ourso	Vesich
Lambert	Perkins	Womack
Landrum	Rachal	
Total—20.		

And the amendment was rejected.

Delegate LeBreton moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 9, after the period "." delete the remainder of the line and delete lines 10, 11, and 12

Delegate De Blieux moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
De Blieux	Guidry	Newton
Edwards	LeBreton	Schmitt
Flory	Mire	Wisham
Fulco		
Total—10.		

NAYS

Delegates—		
Mr. Chairman	Fayard	Rayburn
Abraham	Fontenot	Reeves
Aertker	Fowler	Riecke
Alario	Gauthier	Robinson
Alexander	Giarrusso	Roemer
Anzalone	Ginn	Roy
Armentor	Gravel	Sandoz
Arnette	Grier	Segura
Asseff	Guarisco	Shannon
Avant	Hardee	Silverberg
Badeaux	Hayes	Singletary
Bel	Heine	Slay
Bergeron	Hernandez	Smith
Blair	Jack	Soniat
Bollinger	Jackson, A.	Stagg
Brien	Jenkins	Stephenson
Brown	Juneau	Stinson
Burns	Kean	Stovall
Burson	Kelly	Sutherland
Carmouche	Kilbourne	Thistlethwaite
Champagne	Kilpatrick	Thompson
Chatelain	Landry, E. J.	Tobias
Chehardy	Lanier	Toomy
Conino	LeBleu	Triche
Conroy	Lennox	Ullo
Cowen	Lowe	Velazquez
D'Gerolamo	McDaniel	Vick
Dennerly	Martin	Wall
Dennis	Miller	Warren
Derbes	Nunez	Weiss
Deshotels	O'Neill	Willis
Drew	Perez	Winchester
Dunlap	Planchard	Zervigon
Duval		
Total—100.		

ABSENT

Delegates—		
Cannon	Landry, A.	Rachal
Casey	Leigh	Tapper
Corne	Leithman	Tate
Elkins	Mauberet	Taylor
Haynes	Munson	Toca
Jackson, J.	Ourso	Vesich
Lambert	Perkins	Womack
Landrum		
Total—22.		

And the amendment was rejected.

Delegate Stinson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy and Jenkins to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 13 through 23, both inclusive, in their entirety.

Delegate Roy moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 84 yeas, 21 nays the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Chatelain, Thistlethwaite, Landry, Juneau, Elkins, McDaniel, Lanier, Gravel, Corne, Conroy, Hardee, Grier and Sandoz to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 12 and 13, insert the following: "(B) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together."

AMENDMENT No. 2—

On page 2, line 24, delete the letter "(D)" and insert in lieu thereof the letter "(C)"

AMENDMENT No. 3—

On page 2, line 27, delete the letter "(E)" and insert in lieu thereof the letter "(D)"

Delegate Chatelain moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Fontenot	Newton
Asseff	Fowler	Perez
Carmouche	Gravel	Riecke
Champagne	Grier	Sandoz
Chatelain	Guarisco	Schmitt
Chehardy	Heine	Thistlethwaite
Conroy	Jackson, A.	Tobias
Cowen	Juneau	Toca
D'Gerolamo	Kelly	Velazquez
De Blieux	Landry, E. J.	Warren
Deshotels	Lanier	Zervigon
Dunlap	McDaniel	
Total—35.		

NAYS

Delegates—		
Abraham	Arnette	Blair
Aertker	Avant	Bollinger
Alario	Badeaux	Brien
Anzalone	Bel	Brown
Armentor	Bergeron	Burns

Burson	Kean	Silverberg
Casey	Kilpatrick	Singletary
Conino	LeBleu	Slay
Dennery	LeBreton	Smith
Dennis	Leithman	Soniat
Derbes	Lennox	Stagg
Drew	Martin	Stephenson
Duval	Mauberret	Stinson
Edwards	Miller	Stovall
Fayard	Mire	Sutherland
Flory	Nunez	Thompson
Fulco	O'Neill	Toomy
Gauthier	Ourso	Triche
Giarrusso	Plancharde	Ullo
Ginn	Rachal	Vesich
Guidry	Rayburn	Vick
Hayes	Reeves	Weiss
Hernandez	Robinson	Willis
Jack	Roemer	Winchester
Jackson, J.	Roy	
Jenkins	Shannon	
Total—76.		

ABSENT

Delegates—		
Mr. Chairman	Lambert	Segura
Cannon	Landrum	Tapper
Corne	Landry, A.	Tate
Elkins	Leigh	Taylor
Hardee	Lowe	Wall
Haynes	Munson	Wisham
Kilbourne	Perkins	Womack
Total—21.		

And the amendments were rejected.

Delegate Stagg moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toomy sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 24, between the words "official" and "shall" insert the following: "enumerated in this section"

On motion of Delegate Toomy the amendment was adopted.

Delegate Toomy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 24, delete the letter "(D)" and insert in lieu thereof the letter "(B)"

AMENDMENT No. 2—

On page 2, line 27, delete the letter "(E)" and insert in lieu thereof the letter "(C)"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegates De Blieux to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 27 and 28, both inclusive, in their entirety

Delegate De Blieux moved the adoption of the amendment.

Delegate Duval objected.

By a vote of 21 yeas 81 nays the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 3, was read, as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Planchard
Abraham	Flory	Rachal
Aertker	Fowler	Reeves
Alario	Fulco	Riecke
Anzalone	Gauthier	Robinson
Armentor	Giarrusso	Roemer
Arnette	Ginn	Roy
Avant	Gravel	Sandoz
Badeaux	Grier	Schmitt
Bel	Guarisco	Shannon
Bergeron	Guidry	Silverberg
Blair	Hardee	Singletary
Bollinger	Heine	Slay
Brien	Hernandez	Smith
Brown	Jackson, A.	Soniat
Burns	Jackson, J.	Stagg
Burns	Jenkins	Stephenson
Burson	Juneau	Stinson
Carmouche	Kelly	Sutherland
Casey	Kilbourne	Thistlethwaite
Champagne	Kilpatrick	Thompson
Chatelain	Landry, E. J.	Tobias
Chehardy	Lanier	Toca
Conino	LeBleu	Toomy
Conroy	LeBreton	Triche
Cowen	Leithman	Ullo
D'Gerolamo	Lennox	Velazquez
De Blieux	Martin	Vesich
Dennery	Mauberret	Vick
Dennis	Miller	Wall
Derbes	Mire	Warren
Deshotels	Newton	Weiss
Drew	Nunez	Willis
Dunlap	O'Neill	Winchester
Duval	Ourso	Wisham
Edwards	Perez	Zervigon
Total—107.		

NAYS

Total—0.

ABSENT

Delegates—		
Alexander	Hayes	Landry, A.
Asseff	Haynes	Leigh
Cannon	Jack	Lowe
Corne	Kean	McDaniel
Elkins	Lambert	Munson
Fontenot	Landrum	Perkins

Rayburn
Segura
Stovall

Total—25.

Tapper
Tate

Taylor
Womack

And the Chair declared that the above Section was passed.

Delegate Stagg moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Compensation

Section 4. (A) The compensation of each elected official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected. No state official shall receive a salary in excess of that paid to the governor.

(B) The lieutenant governor when acting as governor shall receive the same salary as the governor, and an appointed assistant when acting as an elected official shall receive the same salary as the elected official.

Read.

Delegate O'Neill sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate O'Neill to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 29 through 32, both inclusive, in their entirety

AMENDMENT No. 2—

On page 3, delete lines 1 through 6, both inclusive, in their entirety

Delegate O'Neill moved the adoption of the amendment.

Delegate Asseff objected.

By a vote of 55 yeas 43 nays the amendment was adopted.

Delegate O'Neill moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, at line 29, insert the following:

"Section 4. Compensation

Section 4. Except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature."

Delegate Gravel moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 82 yeas, 12 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

Delete Amendments No. 1 and No. 2 proposed by Delegate O'Neill and adopted by the Convention on August 3, 1973 and Delete Amendment No. 1 proposed by Delegate Gravel and adopted by the Convention on August 3, 1973.

AMENDMENT No. 2—

On page 2, delete lines 29 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Compensation

Section 4. The compensation of each elected state official within the executive branch shall be fixed by the legislature and shall not be increased or decreased for the term for which the official is elected."

AMENDMENT No. 3—

On page 3, delete lines 1 through 6, both inclusive in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Fontenot	Schmitt
Asseff	Fulco	Silverberg
Badeaux	Grier	Stagg
Bergeron	Jenkins	Sutherland
Bollinger	Kean	Velazquez
Burson	Kilbourne	Warren
Champagne	Lanier	Weiss
Conino	LeBleu	Winchester
De Blieux	O'Neill	Wisham
Dunlap	Planchard	
Duval	Riecke	

Total—31.

NAYS

Delegates—

Abraham	Giarrusso	Robinson
Alario	Ginn	Roemer
Alexander	Gravel	Roy
Anzalone	Guarisco	Sandoz
Avant	Guidry	Shannon
Bel	Hayes	Singletary
Brien	Heine	Slay
Brown	Hernandez	Smith
Burns	Jack	Soniat
Carmouche	Jackson, A.	Stephenson
Casey	Jackson, J.	Stovall
Chatelain	Juneau	Thistlethwaite
Chehardy	Kelly	Thompson
Conroy	Kilpatrick	Tobias
D'Gerolamo	Landry, E. J.	Toca
Dennis	Lennox	Toomy
Derbes	Mauberrert	Triche
Deshotels	Miller	Ullo
Drew	Mire	Vick
Fayard	Newton	Willis
Flory	Nunez	Zervigon
Fowler	Rachal	
Gauthier	Reeves	

Total—67.

ABSENT

Delegates—

Mr. Chairman	Dennery	Landry, A.
Armentor	Edwards	LeBreton
Arnette	Elkins	Leigh
Blair	Hardee	Leithman
Cannon	Haynes	Lowe
Corne	Lambert	McDaniel
Cowen	Landrum	Martin

Munson
Ourso
Perez
Perkins
Rayburn
Total—34.

Segura
Stinson
Tapper
Tate
Taylor

Vesich
Wall
Womack

And the amendments were rejected.

Delegate Roy moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 4, was read, as amended.

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Fontenot	Reeves
Abraham	Fowler	Riecke
Aertker	Fulco	Robinson
Alario	Gauthier	Roy
Alexander	Giarrusso	Sandoz
Anzalone	Ginn	Schmitt
Armentor	Gravel	Segura
Avant	Grier	Shannon
Badeaux	Guarisco	Singletary
Bel	Guidry	Slay
Bergeron	Hayes	Smith
Bollinger	Heine	Soniat
Brien	Hernandez	Stagg
Brown	Jack	Stephenson
Burns	Jackson, A.	Stovall
Burson	Jackson, J.	Thistlethwaite
Carmouche	Juneau	Thompson
Casey	Kean	Tobias
Chatelain	Kelly	Toomy
Chehardy	Kilpatrick	Triche
Conino	Landry, E. J.	Ullo
Conroy	Lanier	Velazquez
D'Gerolamo	LeBleu	Vick
Dennis	Lennox	Warren
Derbes	Mauberrert	Weiss
Deshotels	Miller	Willis
Drew	Mire	Winchester
Dunlap	Newton	Wisham
Duval	Nunez	Zervigon
Fayard	Planchard	
Flory	Rachal	

Total—91.

NAYS

Delegates—

Asseff	Jenkins	Sutherland
De Blieux	Kilbourne	

Total—5.

ABSENT

Delegates—

Arnette	Landrum	Perkins
Blair	Landry, A.	Rayburn
Cannon	LeBreton	Roemer
Champagne	Leigh	Silverberg
Corne	Leithman	Stinson
Cowen	Lowe	Tapper
Dennery	McDaniel	Tate
Edwards	Martin	Taylor
Elkins	Munson	Toca
Hardee	O'Neill	Vesich
Haynes	Ourso	Wall
Lambert	Perez	Womack

Total—36.

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Powers and Duties of Governor

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relating to such department, excepting matters relating to investigations of the governor's office.

(D) Operating Budget. The governor shall prepare the state's annual operating budget, and shall transmit copies thereof to the legislature at least two weeks prior to the first day of each annual session. Upon adoption of the operating budget by the legislature, it shall become the official state budget and shall be executed and administered by the governor. Total appropriations for the year shall not exceed anticipated annual revenues as projected by the governor in the operating budget.

(E) Capital Budget. The governor shall prepare annually a five-year capital program and shall submit to each regular session of the legislature a proposed capital budget as provided by statute implementing the first year of the program. All capital projects approved by the legislature shall be made a part of the capital budget, and the operating budget for each year shall provide for amortization of the cost of each such capital project.

(F) Pardon, Commutation, Reprieve, Remission. Except in cases of conviction upon impeachment, the governor may reprieve, may grant commutation of sentence, and may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses. In addition, the legislature may provide additional methods for the foregoing and other post-conviction remedies.

(G) Signature on Bills; Veto. The date and time when each bill passed by the legislature is delivered to the governor shall be entered thereon. He shall then have thirty calendar days within which to act on it. If he approves, he shall sign it. If he disapproves, he shall veto it, giving his reason therefor, and if the legislature is in session, he shall return it to the house in which it originated within twenty-four hours. If he fails to veto within the time provided by this constitution, it shall become law.

(H) Appropriation Bills. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall either veto line items, or use other means provided in the bill, in order that total appropriations for the year shall not exceed anticipated revenues for the year.

(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

(2) Should the legislature be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm, prior to the end of the session, shall constitute rejection of the appointment.

(3) Should the legislature not be in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during such session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal. The governor may remove from office those

whom he appoints, except those appointed for a term fixed by this constitution or as may be fixed by statute.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Extraordinary Session. (1) The governor may convene the legislature into extraordinary session by issuance of a proclamation to the legislature at least five days prior to the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene, and the number of days for which the legislature is convened. The subject matter of the session may be amended, by proclamation to the legislature, until forty-eight hours prior to the hour at which the legislature convenes. The power to legislate, under the penalty of nullity, shall be limited to the subjects specially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time named therein, and shall not exceed thirty days.

(2) The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Read.

Delegate Stovall sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stovall to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 9, after the word "shall" delete the word "faithfully" and delete line 10 in its entirety and insert in lieu thereof the following:

"cause the constitution and laws of the state to be faithfully executed and enforced."

Delegate Stovall moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

De Blieux	Jackson, J.	Schmitt
Dennis	Lanier	Silverberg
Fulco	Lennox	Slay
Gauthier	Rachal	Stovall
Gravel	Reeves	Tobias
Total—15.		

NAYS

Delegates—

Abraham	D'Gerolamo	Kean
Aertker	Dennerly	Kelly
Alario	Derbes	Kilbourne
Anzalone	Deshotels	Kilpatrick
Asseff	Drew	Landry, E. J.
Avant	Dunlap	LeBleu
Badeaux	Duval	Leithman
Bel	Flory	Martin
Bergeron	Fontenot	Mire
Blair	Fowler	Newton
Bollinger	Giarrusso	Nunez
Brien	Ginn	O'Neill
Brown	Grier	Ourso
Burns	Guarisco	Planchard
Burson	Guidry	Riecke
Carmouche	Hayes	Robinson
Casey	Heine	Roy
Champagne	Hernandez	Sandoz
Chehardy	Jack	Shannon
Conino	Jackson, A.	Singletary
Conroy	Jenkins	Smith

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Soniat
Stagg
Stephenson
Stinson
Sutherland
Thistlethwaite
Thompson
Total—82.

Toca
Toomy
Triche
Ullo
Velazquez
Vick
Wall

Warren
Willis
Winchester
Wisham
Zervigon

ABSENT

Delegates—
Mr. Chairman
Alexander
Armentor
Annette
Cannon
Chatelain
Corne
Cowen
Edwards
Elkins
Fayard
Hardee
Total—35.

Haynes
Juneau
Lambert
Landrum
Landry, A.
LeBreton
Leigh
Lowe
McDaniel
Mauberret
Miller
Munson

Perez
Perkins
Rayburn
Roemer
Segura
Tapper
Tate
Taylor
Vesich
Weiss
Wornack

And the amendment was rejected.

Delegate Triche moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Alexander in the Chair

Delegate Vick sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roy, Vick, Tobias to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 10, at the end of the line, delete the period "." and insert in lieu thereof the following:
"and the United States."

Delegate Vick moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 85 yeas, 9 nays the amendment was adopted.

Delegate Vick moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table

Delegate Anzalone sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone and Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 16 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Reports and Information. The heads of all departments, executive offices, agencies, and instrumentalities, including all statewide elected officials, when requested to do so by the governor, shall provide him with reports and information in writing or otherwise on any subject relating to their offices excepting matters relative to investigations of the governor's office."

On motion of Delegate Anzalone the amendment was withdrawn.

Chairman Henry in the Chair

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn, Roemer, Lowe, Alario, Planchard, Newton, Conroy, Champagne, Schmitt, Nunez and Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Operating Budget. The governor shall submit to the legislature, at a time fixed by law, a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues."

On motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Rayburn, Roemer, Lowe, Alario, Planchard, Conroy, Champagne, Schmitt, Nunez, Brown and Newton to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 30 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Capital Budget. The governor shall submit to each regular session of the legislature a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program."

AMENDMENT No. 2—

On page 4, delete lines 1 through 5, both inclusive, in their entirety

On motion of Delegate Rayburn the amendments were adopted.

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz, Burson, and Thistlethwaite to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 10, after "offenses." and before "In addition" add the following:

"All these powers except the governor's power to grant reprieve of a death sentence may be restricted or limited by law."

Delegate Sandoz moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Abraham	Fontenot	Planchard
Alario	Fowler	Rayburn
Asseff	Fulco	Roemer
Blair	Ginn	Sandoz
Bollinger	Grier	Shannon
Burns	Heine	Silverberg
Burson	Juneau	Singletary
Champagne	Kean	Stagg
Chatelain	Kilbourne	Stinson
Conroy	Landry, E. J.	Sutherland
Corne	Lanier	Thistlethwaite
Deshotels	LeBleu	Thompson
Drew	Lennox	Ullo
Dunlap	McDaniel	Weiss
Fayard	Maubert	Winchester
Total—45.		

NAYS

Delegates—

Alexander	Gauthier	Rachal
Anzalone	Giarrusso	Robinson
Arnette	Gravel	Roy
Avant	Guarisco	Schmitt
Badeaux	Guidry	Slay
Bel	Hayes	Soniat
Bergeron	Haynes	Stovall
Brien	Hernandez	Tobias
Carmouche	Jack	Toca
Chehardy	Jackson, A.	Toomy
Conino	Jackson, J.	Triche
D'Gerolamo	Jenkins	Velazquez
De Blieux	Kelly	Vick
Dennery	Martin	Warren
Dennis	Miller	Willis
Derbes	Mire	Zervigon
Duval	Newton	
Flory	Ourso	
Total—52.		

ABSENT

Delegates—

Mr. Chairman	Landrum	Riecke
Aertker	Landry, A.	Segura
Armentor	LeBreton	Smith
Brown	Leigh	Stephenson
Cannon	Leithman	Tapper
Casey	Lowe	Tate
Cowen	Munson	Taylor
Edwards	Nunez	Vesich
Elkins	O'Neill	Wall
Hardee	Perez	Wisham
Kilpatrick	Perkins	Womack
Lambert	Reeves	
Total—35.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Shannon, the Convention altered the Order of Business to take up other orders of business at this time.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-Committee on Transitional Measures of Local and Parochial Government, sent up the following notice:

The Sub-Committee on Transitional Measures of Local and Parochial Government will meet on Thursday, August 9, 1973, at 9:00 o'clock A.M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

Discuss transition of those matters not included in the committee proposal of Local and Parochial Government.

Respectfully submitted,

WALTER I. LANIER, JR.,
Chairman of the Sub-Committee on
Transitional Measures of
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare cancels its meeting previously scheduled for Thursday, August 9, 1973 at 9:00 o'clock A.M. and will meet on Thursday, August 9, 1973, at 7:00 o'clock P.M. or after adjournment in Committee Room No. 5 of the State Capitol and will consider the following agenda:

AGENDA

Continuation of hearings on education.

Continuation of consideration of proposals referred to the committee to wit:

Delegate Proposal 8
Delegate Proposal 9
Delegate Proposal 10
Committee Proposal 7

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Tuesday, August 7, 1973, at 2 o'clock P.M. in Committee Room No. 4, State Capitol and will consider the following agenda:

AGENDA

Public Hearings on Property Taxes

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Thursday, August 9, 1973, at 8:30 o'clock A.M. in Committee Room 1, State Capitol and will consider the following agenda:

AGENDA

(1) Receive status report from Treasurer
(2) Receive status report from Research Director
(3) Receive resolutions on General Convention business
(4) Receive reports on General Convention business

Respectfully submitted,

E. L. HENRY,
Chairman of the Executive Committee

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The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Tate—2 days.
Delegate A. Landry—2 days.

Adjournment

Delegate Shannon moved that the Convention do now adjourn until Saturday, August 4, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, August 4, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

TWENTY-SIXTH DAY'S PROCEEDINGS

Proceedings of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, August 4, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Gauthier	Rachal
Mr. Chairman	Giarrusso	Rayburn
Abraham	Ginn	Reeves
Aertker	Gravel	Riecke
Alario	Grier	Robinson
Alexander	Guarisco	Roemer
Anzalone	Guidry	Roy
Arnette	Hardee	Sandoz
Asseff	Hayes	Schmitt
Avant	Haynes	Segura
Badeaux	Heine	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniati
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilpatrick	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leithman	Toca
Cowen	Lennox	Toomy
D'Gerolamo	Lowe	Triche
De Blieux	McDaniel	Ullo
Dennerly	Martin	Velazquez
Dennis	Mauberret	Vesich
Deshotels	Miller	Vick
Drew	Mire	Warren
Dunlap	Munson	Weiss
Duval	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Zervigon
Fowler	Planchard	
Fulco		
Total—113.		

ABSENT

Delegates—	Kilbourne	Tapper
Armentor	Lambert	Tate
Brown	Landry, A.	Taylor
Cannon	LeBreton	Wall
Chehardy	Leigh	Womack
Derbes	Perez	
Edwards	Perkins	
Elkins		
Total—19.		

The Chairman announced that there were 113 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Champagne led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Zervigon, the reading of the Journal
was dispensed with.

On motion of Delegate Zervigon, the Journal of yesterday
was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals
Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the
filling of vacancies in certain public offices, and with
respect to dual office-holding, a code of ethics, and im-
peachment.

Read.

Section 5. Powers and Duties of Governor

Section 5. (A) Executive Authority. The governor shall be
the chief executive officer of the state and shall faithfully
support the constitution and laws of the state.

(B) Legislative Reports and Recommendations. The gov-
ernor shall, at the beginning of each regular session of the
legislature, and may at other times, make reports and
recommendations and give information to the legislature
concerning the affairs of state, including its complete finan-
cial condition.

(C) Reports and Information. Any department head shall
provide the governor with reports and information, in writ-
ing or otherwise, when requested by him on any subject re-
lating to such department, excepting matters relating to in-
vestigations of the governor's office.

(D) Operating Budget. The governor shall prepare the
state's annual operating budget, and shall transmit copies
thereof to the legislature at least two weeks prior to the
first day of each annual session. Upon adoption of the op-
erating budget by the legislature, it shall become the official
state budget and shall be executed and administered by the
governor. Total appropriations for the year shall not exceed
anticipated annual revenues as projected by the governor in
the operating budget.

(E) Capital Budget. The governor shall prepare annually
a five-year capital program and shall submit to each regular
session of the legislature a proposed capital budget as pro-
vided by statute implementing the first year of the pro-
gram. All capital projects approved by the legislature shall
be made a part of the capital budget, and the operating bud-
get for each year shall provide for amortization of the cost
of each such capital project.

(F) Pardon, Commutation, Reprieve, Remission. Except
in cases of conviction upon impeachment, the governor may
reprieve, may grant commutation of sentence, and may par-
don those convicted of offenses against the state and may
remit fines and forfeitures imposed for such offenses. In ad-
dition, the legislature may provide additional methods for
the foregoing and other post-conviction remedies.

(G) Signature on Bills; Veto. The date and time when
each bill passed by the legislature is delivered to the gover-
nor shall be entered thereon. He shall then have thirty cal-

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26th Days Proceedings—August 4, 1973

endar days within which to act on it. If he approves, he shall sign it. If he disapproves, he shall veto it, giving his reason therefor, and if the legislature is in session, he shall return it to the house in which it originated within twenty-four hours. If he fails to veto within the time provided by this constitution, it shall become law.

(H) Appropriation Bills. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall either veto line items, or use other means provided in the bill, in order that total appropriations for the year shall not exceed anticipated revenues for the year.

(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

(2) Should the legislature be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm, prior to the end of the session, shall constitute rejection of the appointment.

(3) Should the legislature not be in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during such session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal. The governor may remove from office those whom he appoints, except those appointed for a term fixed by this constitution or as may be fixed by statute.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Extraordinary Session. (1) The governor may convene the legislature into extraordinary session by issuance of a proclamation to the legislature at least five days prior to the convening of the session. The proclamation shall state the specific subjects to be considered, the date and time the legislature is to convene, and the number of days for which the legislature is convened. The subject matter of the session may be amended, by proclamation to the legislature, until forty-eight hours prior to the hour at which the legislature convenes. The power to legislate, under the penalty of nullity, shall be limited to the subjects specially enumerated in the latest proclamation convening such extraordinary session. The session shall be limited to the time named therein, and shall not exceed thirty days.

(2) The governor may convene the legislature in extraordinary session without prior notice or proclamation on occasions of public emergencies caused by epidemics, attacks by the enemy, or public catastrophe.

Read.

Delegate Jack sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack, Gravel, Avant, Triche, and Stovall to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 6 through 12, both inclusive, in their entirety, and insert in lieu thereof the following:

“(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor shall have the power to grant

reprieves to those convicted of offenses against the state and upon the recommendation of the Board of Pardons may grant commutation of sentence, may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses; provided, however, that each first offender who has never previously been convicted of a felony shall be eligible for pardon automatically upon completion of his sentence without the aforementioned recommendation.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Members of such board shall serve a term concurrent with that of the governor appointing them.”

Delegate Jack moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Rachal
Aertker	Gravel	Rayburn
Alario	Grier	Riecke
Alexander	Guarisco	Robinson
Arnette	Guidry	Roemer
Asseff	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Haynes	Schmitt
Bel	Heine	Shannon
Bergeron	Hernandez	Silverberg
Blair	Jack	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Burns	Jenkins	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilpatrick	Stovall
Conino	Landry, E. J.	Sutherland
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	Leithman	Tobias
Dennery	Lennox	Toca
Dennis	Lowe	Toomy
Deshotels	McDaniel	Triche
Drew	Martin	Ullo
Dunlap	Maubertret	Velazquez
Duval	Miller	Vick
Flory	Mire	Warren
Fontenot	Munson	Weiss
Fowler	Newton	Willis
Fulco	Nunez	Winchester
Gauthier	O'Neill	Wisham
Giarrusso	Planchard	Zervigon
Total—102.		

NAYS

Delegate De Blieux
Total—1.

ABSENT

Delegates—		
Mr. Chairman	Elkins	Perkins
Anzalone	Fayard	Reeves
Armentor	Kilbourne	Segura
Brown	Lambert	Tapper
Burson	Landrum	Tate
Cannon	Landry, A.	Taylor
Chehardy	LeBreton	Vesich
D'Gerolamo	Leigh	Wall
Derbes	Ourso	Womack
Edwards	Perez	
Total—29.		

And the amendment was adopted.

Delegate Jack moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendment, which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 12, immediately after the period "." add the following:

"The legislature may restrict or limit by law the exercise of the powers of the governor to reprieve, grant commutation of sentence, or pardon in establishing penalties for any crime punishable by life imprisonment."

Delegate Burson moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fulco	Rayburn
Aertker	Giarrusso	Riecke
Alario	Grier	Sandoz
Anzalone	Guidry	Schmitt
Badeaux	Hardee	Silverberg
Bel	Hayes	Singletary
Bollinger	Juneau	Smith
Burns	Kean	Stagg
Burson	Lanier	Stephenson
Casey	LeBleu	Stinson
Champagne	Lennox	Sutherland
Cowen	McDaniel	Thistlethwaite
D'Gerolamo	Mauberrert	Ullo
Deshotels	Miller	Winchester
Fayard	Nunez	
Fontenot	Planchard	

Total—46.

NAYS

Delegates—

Alexander	Ginn	Reeves
Arnette	Gravel	Robinson
Asseff	Guarisco	Roemer
Avant	Haynes	Roy
Bergeron	Heine	Segura
Blair	Hernandez	Slay
Brien	Jack	Soniat
Carmouche	Jackson, A.	Stovall
Chatelain	Jackson, J.	Thompson
Conino	Jenkins	Tobias
Conroy	Kelly	Toca
Corne	Kilpatrick	Toomy
De Blieux	Landrum	Triche
Dennery	Landry, E. J.	Velazquez
Dennis	Leithman	Vesich
Drew	Martin	Vick
Dunlap	Mire	Warren
Duval	Munson	Weiss
Flory	Newton	Willis
Fowler	O'Neill	Wisham
Gauthier	Rachal	Zervigon

Total—63.

ABSENT

Delegates—

Mr. Chairman	Kilbourne	Perkins
Armentor	Lambert	Shannon
Brown	Landry, A.	Tapper
Cannon	LeBreton	Tate
Chehardy	Leigh	Taylor
Derbes	Lowe	Wall
Edwards	Ourso	Wornack
Elkins	Perez	

Total—23.

And the amendment was rejected.

Delegate Triche moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 6, in delegate Floor Amendment No. 1 proposed by Delegate Jack, et al., delete lines 12 and 13 and insert in lieu thereof the following:

"(2) There shall be a board of pardons which shall consist of five persons, one of which shall be the lieutenant governor and four electors appointed by the governor who shall be subject to confirmation by the"

Delegate Juneau moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 28 yeas, 69 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegates De Blieux and Fayard to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 6, in Delegate Floor Amendment No. 1, proposed by Delegate Jack, et al. delete lines 12 through 15, both inclusive in their entirety and insert in lieu thereof the following:

"(2) There shall be a Board of Pardons as provided by law."

Delegate De Blieux moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Drew	Nunez
Aertker	Duval	Planchard
Arnette	Fayard	Rayburn
Badeaux	Fontenot	Reeves
Bollinger	Fulco	Sandoz
Burns	Hardee	Schmitt
Burson	Heine	Shannon
Casey	Juneau	Singletary
Conino	Kean	Stephenson
Conroy	Lanier	Stinson
Corne	LeBleu	Sutherland
De Blieux	McDaniel	Toomy
Dennery	Mauberrert	Weiss
Deshotels	Miller	Winchester

Total—42.

NAYS

Delegates—

Mr. Chairman	Brien	Gauthier
Alario	Carmouche	Giarrusso
Alexander	Champagne	Gravel
Anzalone	Chatelain	Grier
Asseff	D'Gerolamo	Guarisco
Avant	Dennis	Guidry
Bel	Dunlap	Hayes
Bergeron	Flory	Haynes
Blair	Fowler	Hernandez

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Jack	Mire	Stagg
Jackson, A.	Newton	Stovall
Jackson, J.	Rachal	Tobias
Jenkins	Riecke	Toca
Kelly	Robinson	Triche
Kilpatrick	Roemer	Ullo
Landrum	Roy	Vesich
Landry, E. J.	Segura	Warren
Leithman	Slay	Willis
Lennox	Smith	Wisham
Martin	Soniat	Zervigon
Total—60.		

ABSENT

Delegates—		
Armentor	Lambert	Silverberg
Brown	Landry, A.	Tapper
Cannon	LeBreton	Tate
Chehardy	Leigh	Taylor
Cowen	Lowe	Thistlethwaite
Derbes	Munson	Thompson
Edwards	O'Neill	Velazquez
Elkins	Ourso	Vick
Ginn	Perez	Wall
Kilbourne	Perkins	Womack
Total—30.		

And the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and De Blieux to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 13 through 21 in its entirety and insert in lieu thereof the following:

“(G) Receipt of Bills from the Legislature. The date and hour when a bill passed by the legislature is delivered to the governor shall be endorsed thereon.”

On motion of Delegate Newton the amendment was adopted.

Delegate Newton moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval on behalf of Committee on Executive Department to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 22, after “(H)” and before “(I)” delete “Appropriation Bills.” and insert in lieu thereof “Item Veto.”

On motion of Delegate Duval the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 30, after “Senate,” add “in open session,”

Delegate De Blieux moved the adoption of the amendment.

Delegate Blair objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Flory	O'Neill
Alexander	Fulco	Reeves
Avant	Jenkins	Stovall
Champagne	Kelly	Velazquez
Conino	Lanier	Willis
De Blieux	Miller	Wisham
Dennis		
Total—19.		

NAYS

Delegates—		
Abraham	Giarrusso	Planchard
Alario	Ginn	Rachal
Anzalone	Gravel	Riecke
Arnette	Grier	Robinson
Asseff	Guidry	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Brien	Hernandez	Shannon
Burns	Jack	Silverberg
Burson	Jackson, A.	Slay
Carmouche	Jackson, J.	Smith
Casey	Juneau	Soniat
Chatelain	Kean	Stagg
Conroy	Kilpatrick	Stephenson
Corne	Landry, E. J.	Sutherland
Cowen	LeBleu	Thistlethwaite
D'Gerolamo	Lennox	Thompson
Dennery	Lowe	Tobias
Deshotels	McDaniel	Toomy
Drew	Martin	Triche
Dunlap	Mauberret	Ullo
Duval	Mire	Vick
Fontenot	Newton	Weiss
Fowler	Nunez	Winchester
Gauthier	Ourso	Zervigon
Total—81.		

ABSENT

Delegates—		
Mr. Chairman	Kilbourne	Singletary
Armentor	Lambert	Stinson
Bollinger	Landrum	Tapper
Brown	Landry, A.	Tate
Cannon	LeBreton	Taylor
Chehardy	Leigh	Toca
Derbes	Leithman	Vesich
Edwards	Munson	Wall
Elkins	Perez	Warren
Fayard	Perkins	Womack
Guarisco	Rayburn	
Total—32.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 7, immediately after the words "Senate to" and before the word "prior" delete the word "confirm" and insert in lieu thereof the words "reject the appointment"

AMENDMENT No. 2—

On page 5, line 8, immediately after the word "constitute" and before the words "of the" delete the word "rejection" and insert in lieu thereof the word "confirmation"

AMENDMENT No. 3—

On page 5, line 10, after the word "appointments," delete the remainder of the line, and delete lines 11 and 12, both inclusive, in their entirety and insert in lieu thereof the following:

"and shall submit for confirmation by the Senate the names of those so appointed within forty-eight hours after the convening of the next session of the legislature."

Delegate Abraham moved the adoption of the amendments.

Delegate Nunez objected.

By a vote of 7 yeas, 92 nays the amendments were rejected.

Delegate Nunez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 22 and 23 in their entirety and insert in lieu thereof the following:
"to suppress insurrection or to repel invasion."

Delegate Toomy moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 18 yeas 82 nays the amendment was rejected.

Delegate Leithman moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham, on behalf of the Committee on Executive Branch to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 24 through 32, both inclusive, in their entirety.

AMENDMENT No. 2—

On page 6, delete lines 1 through 9, both inclusive, in their entirety.

On motion of Delegate Dennery the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 9 and 10, insert the following:
"(L) Other Powers and Duties. The governor shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute."

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 5, was read, as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Reeves
Abraham	Gauthier	Riecke
Aertker	Giarrusso	Robinson
Alario	Ginn	Roemer
Alexander	Gravel	Roy
Anzalone	Grier	Sandoz
Arnette	Guidry	Schmitt
Asseff	Hardee	Segura
Avant	Hayes	Shannon
Badeaux	Haynes	Silverberg
Bel	Heine	Singletary
Bergeron	Hernandez	Slay
Blair	Jack	Smith
Bollinger	Jackson, A.	Soniat
Brien	Jackson, J.	Stagg
Burns	Jenkins	Stinson
Burson	Kean	Stovall
Carmouche	Kelly	Sutherland
Casey	Kilpatrick	Thistlethwaite
Champagne	Landry, E. J.	Thompson
Chatelain	Lanier	Tobias
Conino	LeBleu	Toca
Conroy	Leithman	Toomy
Corne	Lennox	Triche
Cowen	Lowe	Uilo
D'Gerolamo	Martin	Velazquez
De Blieux	Mauberret	Vick
Dennery	Miller	Wall
Deshotels	Mire	Warren
Drew	Newton	Weiss
Dunlap	Nunez	Willis
Duval	O'Neill	Winchester
Fayard	Ourso	Wisham
Flory	Planchard	Zervigon
Fowler	Rachal	

Total—104.

NAYS

Total—0.

ABSENT

Delegates—		
Armentor	Juneau	Perkins
Brown	Kilbourne	Rayburn
Cannon	Lambert	Stephenson
Chehardy	Landrum	Tapper
Dennis	Landry, A.	Tate
Derbes	LeBreton	Taylor
Edwards	Leigh	Vesich
Elkins	McDaniel	Womack
Fontenot	Munson	
Guarisco	Perez	

Total—28.

And the Chair declared that the above Section was passed.

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Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 6. Powers and Duties of the Lieutenant Governor

Section 6. The lieutenant governor shall serve ex officio as a member of each committee, board, and commission on which the governor serves, exercise the powers delegated to him by the governor, and have such other powers and perform such other duties in the executive branch as may be authorized by this constitution or provided by statute.

Read.

Motion

Delegate Riecke moved that the Convention postpone action on Section 6 at this time.

Delegate Kean objected.

By a vote of 21 yeas and 60 nays the Convention refused to postpone action on Section 6 at this time.

Passage

Delegate Stovall moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Rachal
Alexander	Ginn	Reeves
Anzalone	Gravel	Roemer
Arnette	Grier	Roy
Asseff	Guidry	Sandoz
Avant	Hardee	Schmitt
Badeaux	Hayes	Segura
Bergeron	Haynes	Shannon
Blair	Heine	Silverberg
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Burns	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Conino	Landrum	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Triche
Dennery	McDaniel	Uilo
Dennis	Martin	Velazquez
Drew	Mauberrret	Vick
Duval	Miller	Weiss
Fayard	Mire	Willis
Flory	Newton	Winchester
Fowler	O'Neill	Wisham
Fulco	Ourso	Zervigon
Total—93.		

NAYS

Delegates—		
Alario	Lennox	Stinson
Bel	Nunez	Warren
Jenkins	Riecke	
Kilpatrick	Robinson	
Total—10.		

ABSENT

Delegates—		
Mr. Chairman	Chehardy	Elkins
Armentor	Derbes	Fontenot
Brown	Deshotels	Guarisco
Burson	Dunlap	Kilbourne
Cannon	Edwards	Lambert

Landry, A.
LeBreton
Leigh
Munson
Perez

Total—29.

Perkins
Rayburn
Smith
Tapper
Tate

Taylor
Vesich
Wall
Womack

And the Chair declared that the above Section was passed.

Delegate Stovall moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 7. Powers and Duties of the Secretary of State

Section 7. There shall be a department of state headed by the secretary of state, who shall serve as the chief elections officer and administer the election laws; administer the laws relative to voting machines or other voting devices; administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; and countersign all commissions and keep an official registry of same. He may administer oaths, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Read.

Motion

Delegate Gravel moved that Section 7 be passed over until Wednesday, August 8, 1973.

As a substitute Delegate Kean moved that the Convention resolve itself into a Committee of the Whole for a period of one hour to consider C.P. No. 4, Sec. 7.

Delegate Anzalone objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Roemer
Aertker	Gauthier	Schmitt
Arnette	Giarrusso	Segura
Badeaux	Guidry	Silverberg
Bel	Hardee	Singletary
Bergeron	Hayes	Soniat
Bollinger	Haynes	Stagg
Burson	Heine	Stephenson
Carmouche	Jack	Stinson
Champagne	Jackson, J.	Sutherland
Chatelain	Jenkins	Thistlethwaite
Conroy	Juneau	Tobias
Corne	Kean	Triche
Cowen	Lanier	Vesich
De Blieux	Lennox	Warren
Dennis	Miller	Weiss
Dunlap	Nunez	Willis
Duval	O'Neill	Wisham
Total—54.		

NAYS

Delegates—		
Alexander	Flory	Landry, E. J.
Anzalone	Fontenot	LeBleu
Asseff	Fowler	Leithman
Avant	Fulco	Lowe
Blair	Ginn	McDaniel
Brien	Gravel	Martin
Casey	Grier	Mauberrret
Conino	Hernandez	Newton
D'Gerolamo	Jackson, A.	Ourso
Dennery	Kelly	Planchard
Deshotels	Kilpatrick	Rachal
Drew	Landrum	Reeves

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Riecke	Smith	Uilo
Roy	Stovall	Velazquez
Sandoz	Thompson	Vick
Shannon	Toca	Winchester
Slay	Toomy	Zervigon

Total—51.

ABSENT

Delegates—		
Mr. Chairman	Elkins	Perez
Alario	Guarisco	Perkins
Armentor	Kilbourne	Rayburn
Brown	Lambert	Robinson
Burns	Landry, A.	Tapper
Cannon	LeBreton	Tate
Chehardy	Leigh	Taylor
Derbes	Mire	Wall
Edwards	Munson	Womack

Total—27.

And the Convention resolved itself into a Committee of the Whole.

Vice Chairman Roy in the Chair

The Chair announced that the Convention had under consideration Committee Proposal No. 4, Section 7.

Delegate A. Jackson moved that the Committee now rise.

Delegate Burson objected.

By a vote of 61 yeas, 45 nays the committee rose.

Convention Business Resumed

Chairman Henry in the Chair

Adjournment

Delegate Triche moved that the Convention do now adjourn until 9:30 o'clock A.M., August 8, 1973.

Delegate Anzalone objected.

Delegate Triche withdrew the motion.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on The Judiciary, sent up the following notice:

The Committee on the Judiciary will meet on Wednesday, August 8, 1973, at 9:00 o'clock A.M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To continue consideration of Committee Proposal No. 6.

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on
The Judiciary

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Executive Committee, sent up the following notice:

The Committee on the Executive Department will meet on Tuesday, August 7, 1973, at 6:00 o'clock P.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

To hear testimony concerning the functions of state officials.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
The Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights, sent up the following notice:

The Committee on Bill of Rights will meet on Tuesday, August 7, 1973 and Wednesday, August 8, at 10:00 o'clock A.M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

To hear public testimony on the committee's proposal.

Respectfully submitted,

A. JACKSON,
Chairman of the Committee on
Bill of Rights

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Badeaux—4 days.

Adjournment

Delegate Anzalone moved that the Convention do now adjourn until Wednesday, August 8, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, August 8, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

EDWARD HARDIN
Assistant Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

TWENTY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, August 8, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Rachal
Abraham	Gauthier	Raybourn
Alario	Giarrusso	Riecke
Anzalone	Ginn	Robinson
Arnette	Gravel	Roemer
Asseff	Grier	Roy
Avant	Guarisco	Sandoz
Bel	Guidry	Schmitt
Bergeron	Hardee	Segura
Blair	Hayes	Shannon
Bollinger	Haynes	Silverberg
Brien	Heine	Singletary
Brown	Hernandez	Slay
Burns	Jackson, A.	Soniat
Burson	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leigh	Triche
Dennery	Leithman	Ulio
Dennis	Lennox	Velazquez
Derbes	Lowe	Vesich
Deshotels	McDaniel	Vick
Drew	Miller	Wall
Dunlap	Mire	Warren
Duval	Munson	Weiss
Edwards	Newton	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Zervigon
Fontenot	Perkins	
Fowler	Planchard	
Total—115.		

ABSENT

Delegates—		
Aertker	Jackson, J.	Reeves
Alexander	Kilpatrick	Smith
Armentor	LeBreton	Taylor
Badeaux	Martin	Thompson
Cannon	Maubertret	Womack
Jack	Perez	
Total—17.		

The Chairman announced that there were 115 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Hernandez led the Convention in reciting the
Pledge of Allegiance to the Flag to the United States of
America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the
Journal was dispensed with.

On motion of Delegate Abraham, the Journal of yesterday
was adopted.

Morning Hour

Introduction of Proposals

The following named delegates and committees introduced
the following entitled Delegate and Committee Proposals
which were read by their titles and placed on the Calendar
for their second reading.

DDELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

Read.

Lies over under the rules.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department;

A PROPOSAL

Providing for the executive branch of government, for the
filling of vacancies in certain public offices, and with
respect to dual office-holding, a code of ethics, and im-
peachment.

Read.

Section 7. Powers and Duties of the Secretary of State

Section 7. There shall be a department of state headed
by the secretary of state, who shall serve as the chief elec-
tions officer and administer the election laws; administer the
laws relative to voting machines or other voting devices;
administer the state corporation and trademark laws; serve
as keeper of the Great Seal of the State of Louisiana and
attest therewith all official laws, documents, proclamations,
and commissions; administer and preserve the official
archives of the state; promulgate, publish, and retain the
originals of all laws enacted by the legislature; and counter-
sign all commissions and keep an official registry of same.
He may administer oaths, and shall have such other powers
and perform such other duties as may be authorized by this
constitution or provided by statute.

Read.

The chairman announced that the Convention had under
Consideration Committee Proposal No. 4, Section 7, when it
adjourned on Saturday, August 4, 1973, which was taken up
and acted upon as follows:

Delegate Asseff sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Asseff, Abraham, An-

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zalone, Brien, Dennery, Duval, Gravel, and Stag to Committee Proposal No. 4 by Delegate Stag, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 19 through 21, both inclusive, in their entirety and insert in lieu thereof the following: "the secretary of state, who shall promulgate all election returns; administer the election laws except for those relating to voter registration and voting machines; administer"

Motion

Delegate Triche moved that the Convention resolve itself into a Committee of the Whole for one hour for the purpose of considering Committee Proposal No. 4 and hearing the testimony of the Secretary of State and the Custodian of Voting Machines.

Delegate Blair objected.

By a vote of 81 yeas and 29 nays the Convention resolved itself into a Committee of the Whole.

Committee of the Whole

Vice-Chairman Casey in the Chair

Under Rule 65 the Committee rose.

Convention Business Resumed

Chairman Henry in the Chair

Motion

Delegate Chatelain moved that the Convention resolve itself a Committee of the Whole for one hour to consider Committee Proposal No. 4.

As a substitute, Delegate Jenkins moved that the Convention continue in the Regular Order of Business.

The vote recurred on the substitute motion.

By a vote of 70 yeas and 40 nays and the Convention continued in the Regular Order of Business.

Motion

Delegate Triche moved for a suspension of the rules in order to reconsider the vote by which Committee Proposal No. 4, Section 1, was passed.

Delegate Munson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Leithman
Arnette	Dunlap	Lennox
Bel	Duval	Miller
Bergeron	Fayard	Mire
Bollinger	Fontenot	Riecke
Brien	Giarrusso	Sandoz
Carmouche	Guarisco	Schmitt
Casey	Guidry	Segura
Chatelain	Haynes	Silverberg
Conino	Jackson, A.	Singletary
Conroy	Juneau	Soniat
Corne	Kean	Stagg
Cowen	Landrum	Stovall
De Blieux	Landry, A.	Sutherland
Dennery	Landry, E. J.	Tapper
Dennis	Lanier	Tate

Thistlethwaite
Tobias
Toca
Total—57.

Toomy
Triche
Velazquez

Vick
Willis
Zervigon

NAYS

Delegates—
Mr. Chairman
Alario
Anzalone
Asseff
Avant
Blair
Burns
Burson
Chehardy
D'Gerolamo
Deshotels
Drew
Edwards
Elkins
Flory
Fowler
Fulco
Gauthier
Total—53.

Ginn
Gravel
Grier
Hardee
Hayes
Heine
Hernandez
Jenkins
Kelly
Kilbourne
Lambert
LeBleu
Leigh
Lowe
McDaniel
Munson
Nunez
O'Neill

Ourso
Planchar
Rayburn
Robinson
Roemer
Roy
Shannon
Slay
Stephenson
Stinson
Ullo
Vesich
Wall
Warren
Weiss
Winchester
Wisham

ABSENT

Delegates—
Aertker
Alexander
Armentor
Badeaux
Brown
Cannon
Champagne
Jack
Total—22.

Jackson, J.
Kilpatrick
LeBreton
Martin
Mauberret
Newton
Perez

Perkins
Rachal
Reeves
Smith
Taylor
Thompson
Womack

And the Convention refused to suspend the rules at this time.

Delegate Asseff moved the adoption of the amendment.

Delegate Fulco objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Asseff
Avant
Blair
Burns
Burson
Cowen
Dennery
Derbes
Deshotels
Drew
Duval
Elkins
Flory
Fontenot
Fowler
Ginn
Gravel
Total—50.

Hayes
Haynes
Heine
Hernandez
Jackson, A.
Jenkins
Kelly
Lambert
Landry, A.
Landry, E. J.
LeBleu
Leigh
Lennox
Lowe
McDaniel
Mire
Newton

O'Neill
Planchar
Robinson
Roy
Sandoz
Shannon
Slay
Stephenson
Sutherland
Thistlethwaite
Tobias
Vick
Wall
Weiss
Winchester
Wisham

NAYS

Delegates—
Abraham
Alario
Anzalone
Arnette
Bel
Bergeron
Bollinger
Brien
Carmouche
Casey
Chatelain
Chehardy
Conino

Conroy
Corne
D'Gerolamo
De Blieux
Dennis
Dunlap
Edwards
Fayard
Fulco
Gauthier
Giarrusso
Grier
Guarisco

Guidry
Juneau
Kean
Kilbourne
Landrum
Lanier
Leithman
Miller
Munson
Nunez
Ourso
Rayburn
Riecke

Roemer	Taylor	Ullo
Schmitt	Stovall	Velazquez
Segura	Tapper	Vesich
Silverberg	Tate	Warren
Singletary	Toca	Willis
Soniat	Toomy	Zervigon
Stagg	Triche	
Total—59.		

ABSENT

Delegates—		
Mr. Chairman	Hardee	Perkins
Aertker	Jack	Rachal
Alexander	Jackson, J.	Reeves
Armentor	Kilpatrick	Smith
Badeaux	LeBreton	Stinson
Brown	Martin	Thompson
Cannon	Mauberrert	Womack
Champagne	Perez	
Total—23.		

And the amendment was rejected.

Delegate Stovall moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean, Nunez, Alario, Chehardy, Gauthier, D'Gerolamo, Toca, Conino, Chatelain, Planchard and A. Landry to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT NO. 1—

On page 6, delete lines 19 through 21, both inclusive in their entirety, and insert in lieu thereof the following:

"the secretary of state, who shall be the chief election officer of the state and shall prepare and certify the ballots for all elections and promulgate all election returns; administer the election laws except for those relating to voter registration and custody of voting machines; administer"

Delegate Kean moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	McDaniel
Alario	Ginn	Mire
Anzalone	Gravel	Munson
Asseff	Guidry	Newton
Avant	Hardee	Nunez
Bel	Hayes	O'Neill
Bergeron	Haynes	Perkins
Blair	Heine	Planchard
Brien	Hernandez	Rachal
Burns	Jackson, A.	Rayburn
Burson	Jenkins	Riecke
Chatelain	Kean	Robinson
Chehardy	Kelly	Roy
Conino	Kilbourne	Sandoz
Cowen	Landry, A.	Schmitt
D'Gerolamo	Landry, E. J.	Shannon
Deshotels	LeBleu	Silverberg
Elkins	Leigh	Slay
Flory	Leithman	Soniat
Fowler	Lowe	Stagg

Stephenson
Stinson
Thistlethwaite
Tobias
Total—71.

Toca
Ullo
Vesich
Vick

Weiss
Willis
Winchester

NAYS

Delegates—
Arnette
Bollinger
Carmouche
Casey
Conroy
Corne
De Blieux
Dennery
Dennis
Derbes
Drew
Dunlap
Duval
Total—39.

Edwards
Fayard
Fontenot
Fulco
Giarrusso
Grier
Guarisco
Juneau
Landrum
Lanier
Lennox
Miller
Ourso

Roemer
Segura
Singletary
Stovall
Sutherland
Tapper
Tate
Toomy
Triche
Velazquez
Warren
Wisham
Zervigon

ABSENT

Delegates—
Mr. Chairman
Aertker
Alexander
Armentor
Badeaux
Brown
Cannon
Champagne
Total—22.

Jack
Jackson, J.
Kilpatrick
Lambert
LeBreton
Martin
Mauberrert
Perez

Reeves
Smith
Taylor
Thompson
Wall
Womack

And the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 7, was read, as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Alario
Anzalone
Asseff
Avant
Bel
Bergeron
Blair
Brien
Burns
Burson
Chatelain
Chehardy
Conino
Cowen
D'Gerolamo
Dennery
Dennis
Derbes
Deshotels
Drew
Duval
Edwards
Elkins
Flory
Fowler
Fulco
Gauthier
Ginn
Total—88.

Gravel
Grier
Guidry
Hayes
Haynes
Heine
Hernandez
Jackson, A.
Jenkins
Kean
Kelly
Kilbourne
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Munson
Newton
Nunez
O'Neill
Ourso
Perkins
Planchard
Rachal

Rayburn
Riecke
Robinson
Roy
Sandoz
Shannon
Silverberg
Slay
Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Tate
Thistlethwaite
Tobias
Toca
Ullo
Velazquez
Vesich
Vick
Weiss
Willis
Winchester
Wisham
Zervigon

NAYS

Delegates—
Arnette
Bollinger

Carmouche
Casey
Conroy
Corne

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De Blieux	Hardee	Singletary
Dunlap	Juneau	Toomy
Fayard	Miller	Triche
Fontenot	Roemer	Warren
Giarrusso	Schmitt	
Guarisco	Segura	
Total—22.		

ABSENT

Delegates—		
Aertker	Jackson, J.	Reeves
Alexander	Kilpatrick	Smith
Armentor	Lambert	Taylor
Badeaux	LeBreton	Thompson
Brown	Martin	Wall
Cannon	Mauberret	Womack
Champagne	Mire	
Jack	Perez	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Stagg moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 8. Powers and Duties of the Attorney General

Section 8. There shall be a department of justice, headed by the attorney general who shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

- (1) institute, and prosecute or intervene in any legal actions or other proceedings, civil or criminal;
- (2) exercise supervision over the several district attorneys throughout the state; and
- (3) for cause, supersede any attorney representing the state in any civil or criminal proceeding.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 1 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. There shall be a department of justice headed by the attorney general who shall be the state's chief legal officer.

Delegate Gravel moved the adoption of the amendment.

Delegate Giarrusso objected.

By a vote of 93 yeas, 12 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 8, was read, as amended.

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Rayburn
Abraham	Giarrusso	Riecke
Alario	Ginn	Roemer
Arnette	Gravel	Roy
Asseff	Grier	Sandoz
Avant	Guarisco	Schmitt
Bel	Guidry	Segura
Bergeron	Hardee	Shannon
Blair	Hayes	Silverberg
Bollinger	Haynes	Singletary
Brien	Heine	Slay
Burns	Hernandez	Soniat
Burson	Jackson, A.	Stagg
Casey	Jenkins	Stephenson
Chatelain	Juneau	Stinson
Chehardy	Kelly	Stovall
Conino	Kilbourne	Sutherland
Conroy	Lambert	Tapper
Corne	Landrum	Tate
Cowen	Landry, A.	Thistlethwaite
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Lanier	Toca
Dennery	LeBleu	Toomy
Dennis	Leigh	Ullo
Derbes	Leithman	Velazquez
Deshotels	Lennox	Vesich
Drew	Lowe	Vick
Dunlap	McDaniel	Wall
Duval	Mire	Warren
Edwards	Munson	Weiss
Elkins	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Zervigon
Fowler	Planchard	
Fulco	Rachal	
Total—106.		

NAYS

Delegates—		
Carmouche	Perkins	Triche
Miller		
Total—4.		

ABSENT

Delegates—		
Aertker	Jack	Reeves
Alexander	Jackson, J.	Robinson
Anzalone	Kean	Smith
Armentor	Kilpatrick	Taylor
Badeaux	LeBreton	Thompson
Brown	Martin	Womack
Cannon	Mauberret	
Champagne	Perez	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 9. Powers and Duties of the Treasurer

Section 9. There shall be a department of treasury headed by the state treasurer who shall be responsible for the custody, investment, and disbursement of the public funds of the state. He shall report annually to the governor and the legislature one month in advance of the regular session on the financial condition of the state, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Read.

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Anzalone to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 17, after the word "shall" and before the

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word "the" strike out the words "be responsible for" and insert in lieu thereof the word "supervise"

AMENDMENT No. 2—

On page 7, at the end of line 18, strike out the period "." and insert the following:
"as provided by law."

Delegate Anzalone moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 31 yeas, 70 nays the amendments were rejected.

Delegate Duval moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Anzalone, the Convention altered the Order of Business to take up other order of Business at this time.

Motion

On motion of Delegate Dennis the rules were suspended in order to call a meeting of the Committee on Judiciary without giving the required 24 hour notice.

COMMITTEE NOTICE

Judge Dennis, chairman of the Committee on The Judiciary, sent up the following notice:

The Committee on The Judiciary will meet on Wednesday, August 8, 1973, after adjournment in Committee Room No. 1 and will consider the following agenda:

AGENDA

Continue consideration of Committee Proposal No. 6

Respectfully submitted,

Judge James L. Dennis,
Chairman of the Committee on the Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Mr. James L. Dennis, chairman of the Committee on the Judiciary, sent up the following notice:

The Committee on the Judiciary will meet on Thursday, August 9, 1973, after adjournment in Committee Room No. 1 and will consider the following agenda:

AGENDA

Continue consideration of amendments to Committee Proposal No. 6

Respectfully submitted,

Mr. James L. Dennis,
Chairman of the Committee on the Judiciary

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Mr. A. Jackson, Jr., chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Tuesday, August 14, 1973, at 10:00 o'clock A. M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

Consideration of Constitutional Revision

Respectfully submitted,

Mr. Alphonse Jackson, Jr.,
Chairman of the Committee
on Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Mr. A. Jackson, Jr., chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Tuesday and Wednesday, August 21 and 22, 1973, at 10:00 o'clock A. M. in Committee Room No. 1 on August 21 and Committee Room No. 9 on August 22 and will consider the following agenda:

AGENDA

To consider the proposed Declaration of Rights.

Respectfully submitted,

Mr. Alphonse Jackson, Jr.,
Chairman of the Committee
on Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Taylor 2—days.
Delegate Jack 2—days.
Delegate J. Jackson 1—day.
Delegate Kilpatrick 1—day.
Delegate Thompson 1—day.

Adjournment

Delegate Munson moved that the Convention do now adjourn until Thursday, August 9, 1973, at 9:30 o'clock A. M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, August 9, 1973, at 9:30 o'clock A. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

TWENTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, August 9, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Rachal
Abraham	Gauthier	Rayburn
Aertker	Giarrusso	Reeves
Alario	Ginn	Riecke
Alexander	Gravel	Robinson
Anzalone	Grier	Roemer
Armentor	Guarisco	Roy
Arnette	Guidry	Sandoz
Asseff	Hardee	Segura
Avant	Hayes	Shannon
Bel	Haynes	Silverberg
Bergeron	Heine	Singletary
Blair	Hernandez	Slay
Bollinger	Jack	Smith
Brien	Jackson, A.	Soniat
Brown	Jenkins	Stagg
Burns	Juneau	Stephenson
Burson	Kelly	Stinson
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Champagne	Lambert	Tapper
Chatelain	Landrum	Tate
Chehardy	Landry, A.	This/thethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	LeBreton	Toomy
D'Gerolamo	Leigh	Triche
De Blieux	Leithman	Ullio
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Mauberret	Wall
Drew	Miller	Warren
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Ouroso	Zervigon
Fontenot	Perkins	
Fowler	Planchard	
Total—123.		

ABSENT

Delegates—		
Badeaux	Kean	Schmitt
Cannon	Martin	Taylor
Jackson, J.	Perez	
Total—8.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Smith.

Pledge of Allegiance

Delegate Juneau led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Rachal, the reading of the Journal was dispensed with.

On motion of Delegate Rachal, the Journal of yesterday was adopted.

Morning Hour

**Proposals on Second
Reading and Referral**

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

Read.

Under the rules the above Proposal was referred to the Committee on Executive Department.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department.

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Section 9. Powers and Duties of the Treasurer

Section 9. There shall be a department of treasury headed by the state treasurer who shall be responsible for the custody, investment, and disbursement of the public funds of the state. He shall report annually to the governor and the legislature one month in advance of the regular session on the financial condition of the state, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 4, Section 9, when it adjourned on Wednesday, August 8, 1973, which was taken up and acted upon as follows:

Delegate Anzalone sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Anzalone and Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

On page 7, at the end of line 18, change the period “.” to a comma “,” and add the following:
“except those of the state retirement systems which shall remain in the custody of each system and shall be invested and disbursed as provided by statute.”

AMENDMENT No. 2—

On page 7, at the beginning of line 19, delete the word “He” and insert in lieu thereof the words “The treasurer”

On motion of Delegate Anzalone the amendment was withdrawn.

Delegate Rayburn sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 18, after the word “state” delete the period “.” and add the following:
“, except monies belonging to any state retirement fund or system which shall be handled as provided by law.”

Delegate Rayburn moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 98 yeas, 5 nays the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Wall sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Wall to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 17, after the word “shall” delete the remainder of the line and delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

“supervise, invest, disburse and be responsible for the custody of all funds in the general fund of the state and such other funds as shall be provided for by law. The treasurer shall report annually to the governor and the legislature at least”

AMENDMENT No. 2—

Strike out Convention Floor Amendment No. 1 proposed by Mr. Rayburn and adopted by the Convention on August 9, 1973.

Delegate Wall moved the adoption of the amendments.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	D'Gerolamo	Giarrusso
Bel	De Blieux	Ginn
Carmouche	Dennis	Guarisco
Chehardy	Drew	Guidry
Corne	Flory	Jackson, A.

Landrum
LeBleu
Leigh
Rachal
Reeves
Robinson
Total—31.

Roy
Segura
Stephenson
Stovall
Toca
Triche

Velazquez
Vesich
Wall
Wisham

NAYS

Delegates—

Abraham
Aertker
Alario
Anzalone
Armentor
Arnette
Asseff
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Casey
Champagne
Chatelain
Conino
Conroy
Cowen
Dennery
Derbes
Deshotels
Dunlap
Duval
Edwards
Elkins
Total—81.

Fayard
Fowler
Fulco
Gauthier
Gravel
Grier
Hardee
Hayes
Haynes
Hernandez
Jack
Jenkins
Juneau
Kelly
Kilbourne
Lambert
Landry, A.
Landry, E. J.
Lanier
Leithman
Lennox
McDaniel
Miller
Mire
Munson
Newton
Nunez

O'Neill
Planchard
Rayburn
Riecke
Roemer
Sandoz
Shannon
Silverberg
Singletary
Slay
Smith
Soniat
Stagg
Stinson
Sutherland
Tate
Thistlethwaite
Thompson
Tobias
Toomy
Ullo
Vick
Warren
Weiss
Willis
Winchester
Zervigon

ABSENT

Delegates—

Mr. Chairman
Avant
Badeaux
Cannon
Fontenot
Heine
Jackson, J.
Total—20.

Kean
Kilpatrick
LeBreton
Lowe
Martin
Mauberret
Ourso

Perez
Perkins
Schmitt
Tapper
Taylor
Womack

And the amendments were rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 20, at the beginning of the line, before the word “one” insert the words “at least”

On motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 18, in Floor Amendment No. 1 proposed by

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Delegate Rayburn, and adopted by the convention on August 9, 1973, at the beginning of the amendment add the following:
"and other funds, as provided by law"

Delegate Jenkins moved the adoption of the amendment.

Delegate Brown objected.

By a vote of 95 yeas, 7 nays the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 18, in Floor Amendment No. 1 proposed by Delegate Rayburn and adopted by the convention on August 9, 1973, at the end of the amendment delete the period "." and insert in lieu thereof the following:

"and except the Employment Security Administration Fund."

On motion of Delegate Flory the amendment was withdrawn.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Rayburn, Flory, Jenkins, Roemer, Dennery, Conroy, Wall and Gravel to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

Delete Floor Amendment No. 1 proposed by Mr. Jenkins and adopted by the convention on August 9, 1973, and delete Floor Amendment No. 1 proposed by Mr. Rayburn to Page 7 line 18 and adopted by the Convention on August 9, 1973.

AMENDMENT No. 2—

On page 7, at the end of line 18 change the period "." to a comma "," and insert the following:
"except as otherwise provided by this constitution."

Delegate Rayburn moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Avant
Bel
Bergeron
Blair
Bollinger
Brown
Burns

Burson
Carmouche
Casey
Champagne
Chatelain
Chehardy
Conino
Conroy
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Drew
Dunlap

Duval
Elkins
Fayard
Flory
Fowler
Fulco
Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Hayes
Heine

Hernandez
Jackson, A.
Jenkins
Juneau
Kelly
Kilbourne
Kilpatrick
Landrum
Landry, E. J.
Lanier
LeBleu
LeBreton
Leithman
Lennox
Lowe
McDaniel
Mauberret
Mire
Munson
Total—100.

Total—0.

Delegates—

Armentor
Badeaux
Brien
Cannon
Corne
Cowen
Deshotels
Edwards
Fontenot
Guidry
Haynes
Total—32.

Newton
Nunez
O'Neill
Planchard
Rachal
Rayburn
Riecke
Robinson
Roemer
Roy
Sandoz
Schmitt
Shannon
Singletary
Slay
Smith
Soniat
Stagg
Stephenson

NAYS

ABSENT

Jack
Jackson, J.
Kean
Lambert
Landry, A.
Leigh
Martin
Miller
Ourso
Perez
Perkins

Stinson
Tate
Thompson
Tobias
Toca
Toomy
Triche
Ullo
Velazquez
Vick
Wall
Warren
Weiss
Willis
Winchester
Womack
Zervigon

Reeves
Segura
Silverberg
Stovall
Sutherland
Tapper
Taylor
Thistlethwaite
Vesich
Wisham

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Section 9, was read, as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Bel
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Carmouche
Casey
Champagne
Chatelain
Chehardy
Conino
Conroy
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Drew
Dunlap

Duval
Elkins
Fayard
Flory
Fowler
Fulco
Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Hayes
Heine
Hernandez
Jackson, A.
Jenkins
Juneau
Kelly
Kilbourne
Kilpatrick
Landrum
Landry, E. J.
Lanier
LeBleu
LeBreton
Leithman
Lennox
Lowe

McDaniel
Mauberret
Mire
Munson
Newton
Nunez
O'Neill
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Roy
Sandoz
Schmitt
Shannon
Singletary
Smith
Soniat
Stagg
Stephenson
Stinson
Tate
Thompson
Tobias
Toca
Toomy

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Triche	Wall	Winchester
Ullo	Warren	Wisham
Velazquez	Weiss	Womack
Vick	Willis	Zervigon
Total—102.		

NAYS

Total—0.

ABSENT

Delegates—		
Armentor	Haynes	Perez
Avant	Jack	Segura
Badeaux	Jackson, J.	Silverberg
Cannon	Kean	Slay
Corne	Lambert	Stovall
Cowen	Landry, A.	Sutherland
Deshotels	Leigh	Tapper
Edwards	Martin	Taylor
Fontenot	Miller	Thistlethwaite
Guidry	Ourso	Vesich
Total—30.		

And the Chair declared that the above Section was passed.

Delegate Stagg moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Abraham, Anzalone, Brien and Dennery, to committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, insert the following: "Section 10. Powers and Duties of Superintendent of Education

Section 10. There shall be a department of education headed by the superintendent of education. The department shall exercise such functions and the superintendent shall exercise such powers and perform such duties as may be provided by this constitution or by statute."

Motion

Delegate Duval moved that the amendment be tabled.

Delegate Anzalone objected.

By a vote of 60 yeas and 46 nays the amendment was tabled.

Delegate Duval moved to reconsider the vote by which the amendment was tabled, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following: "Section 10. Powers and Duties of the Commissioner of Agriculture

Section 10. There shall be a department of agriculture headed by the commissioner of agriculture, who shall exercise all functions of the state in relation to the promotion, protection, and advancement of agriculture except such re-

search and educational functions expressly allocated by this constitution or by statute to other state agencies. The department shall exercise such functions and the commissioner shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute."

Delegate Dennery moved the adoption of the amendment.

Delegate Triche objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Asseff	Hardee	Riecke
Avant	Hayes	Robinson
Bel	Heine	Roemer
Blair	Hernandez	Sandoz
Bollinger	Jack	Shannon
Brown	Jenkins	Silverberg
Burns	Juneau	Slay
Burson	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Thompson
Conino	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	LeBleu	Ullo
D'Gerolamo	LeBreton	Velazquez
Dennery	Lowe	Wall
Dennis	McDaniel	Warren
Drew	Mauberret	Weiss
Dunlap	Mire	Willis
Edwards	Munson	Winchester
Elkins	Newton	Wisham
Flory	Nunez	Womack
Fowler	O'Neill	
Fulco	Ourso	
Total—82.		

NAYS

Delegates—		
Abraham	Duval	Singletary
Aertker	Fayard	Smith
Armentor	Giarrusso	Soniat
Arnette	Guarisco	Stagg
Bergeron	Jackson, A.	Stovall
Brien	Landrum	Tapper
Carmouche	Lanier	Tate
Casey	Lennox	Toomy
Conroy	Miller	Triche
De Blieux	Schmitt	Vick
Derbes	Segura	Zervigon
Total—33.		

ABSENT

Delegates—		
Badeaux	Jackson, J.	Rachal
Cannon	Kean	Roy
Deshotels	Leigh	Taylor
Fontenot	Leithman	Thistlethwaite
Guidry	Martin	Vesich
Haynes	Perez	
Total—17.		

And the amendment, having received the vote of a majority of the total membership refused to adopt a Section to a proposal, was passed.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Brien, and

PAGE 5

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Stovall to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following:
"Section 11. Powers and Duties of the Commissioner of Insurance

Section 11. There shall be a department of insurance headed by the commissioner of insurance, who shall administer the insurance code. The department shall exercise such functions and the commissioner shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute."

Delegate Stagg moved the adoption of the amendment.

Delegate Juneau objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alexander	Gauthier	Perkins
Avant	Ginn	Robinson
Blair	Gravel	Roy
Chehardy	Haynes	Slay
Conino	Hernandez	Stinson
D'Gerolamo	Jackson, A.	Stovall
Derbes	Jenkins	Tate
Dunlap	Kelly	Thompson
Duval	Kilpatrick	Toca
Edwards	LeBreton	Velazquez
Elkins	Lowe	Weiss
Flory	Munson	
Fowler	Newton	

Total—37.

NAYS

Delegates—

Abraham	Giarrusso	Riecke
Alario	Grier	Roemer
Anzalone	Guarisco	Sandoz
Armentor	Hardee	Schmitt
Arnette	Hayes	Segura
Asseff	Heine	Shannon
Bel	Jack	Silverberg
Bergeron	Juneau	Singletary
Bollinger	Kilbourne	Smith
Brien	Lambert	Soniat
Brown	Landrum	Stagg
Burns	Landry, A.	Stephenson
Burson	Landry, E. J.	Sutherland
Carmouche	Lanier	Tapper
Casey	LeBleu	Tobias
Champagne	Lennox	Toomy
Chatelain	McDaniel	Triche
Conroy	Mauberrret	Ullio
Corne	Miller	Vick
Cowen	Mire	Warren
De Blieux	Nunez	Willis
Dennery	O'Neill	Winchester
Dennis	Ourso	Wisham
Drew	Planchard	Womack
Fayard	Rachal	Zervigon
Fontenot	Rayburn	
Fulco	Reeves	

Total—79.

ABSENT

Delegates—

Mr. Chairman	Jackson, J.	Taylor
Aertker	Kean	Thistlethwaite
Badeaux	Leigh	Vesich
Cannon	Leithman	Wall
Deshotels	Martin	
Guidry	Perez	

Total—16.

And the amendment, having failed to receive the vote of

a majority of the total membership required to to adopt a Section to a proposal, failed to pass.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

FLOOR AMENDMENT

Amendment proposed by Delegates O'Neill and Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following:

"Section 11. Powers and Duties of the Commissioner of Insurance

Section 11. There shall be a department of insurance headed by the commissioner of insurance, who shall administer the insurance code and shall be responsible for all regulatory and other functions of the state relating to insurance in all of its phases and shall have such other powers and perform such other duties as may be authorized by this constitution or by statute."

Delegate O'Neill moved the adoption of the amendment.

Delegate Arnette objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Gauthier	Perkins
Anzalone	Hayes	Reeves
Asseff	Heine	Robinson
Bel	Juneau	Roemer
Chatelain	Kilpatrick	Stinson
Cowen	Lambert	Sutherland
D'Gerolamo	Landry, E. J.	Thompson
Drew	Lowe	Ullio
Edwards	McDaniel	Warren
Elkins	Nunez	Weiss
Fowler	O'Neill	Winchester
Fulco	Ourso	

Total—35.

NAYS

Delegates—

Abraham	Giarrusso	Roy
Alexander	Ginn	Sandoz
Arnette	Gravel	Schmitt
Avant	Grier	Segura
Bergeron	Guarisco	Shannon
Blair	Hardee	Silverberg
Bollinger	Haynes	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Burson	Jenkins	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stovall
Champagne	Landry, A.	Tapper
Chehardy	Lanier	Tate
Conino	LeBleu	Tobias
Conroy	LeBreton	Toca
Corne	Lennox	Toomy
De Blieux	Mauberrret	Triche
Dennery	Miller	Velazquez
Derbes	Mire	Vick
Dunlap	Munson	Willis
Duval	Newton	Wisham
Fayard	Planchard	Womack
Flory	Rachal	Zervigon
Fontenot	Rayburn	

Total—77.

ABSENT

Delegates—

Mr. Chairman	Cannon	Jackson, J.
Aertker	Dennis	Kean
Armentor	Deshotels	Landrum
Badeaux	Guidry	Leigh

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Leithman	Riecke	Vesich
Martin	Taylor	Wall
Perez	Thistlethwaite	
Total—20.		

And the amendment, having failed to receive the vote of a majority of the total membership required to adopt a Section to a Proposal, failed to pass.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Arnette moved for suspension of the rules in order to reconsider the vote by which Sections 1 and 3 of Proposal No. 4 was passed but only in so far as the they affected the Commissioner of Insurance.

As a substitute Delegate Thompson moved that the Convention continue in the Regular Order of Business.

The vote recurred on the substitute motion.

By a vote of 69 yeas and 44 nays the Convention continued in the Regular Order of Business.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following:

"Section 11. Powers and Duties of the Commissioner of Insurance

Section 11. There shall be a department of insurance headed by the commissioner of insurance. The department shall exercise such functions and the commissioner shall have such powers and perform such duties as may be authorized by this constitution or provided by statute."

Delegate Casey moved the adoption of the amendment.

Delegate Juneau objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gravel	Roemer
Abraham	Guarisco	Roy
Alexander	Haynes	Sandoz
Avant	Jack	Silverberg
Bel	Jackson, A.	Slay
Blair	Jenkins	Soniato
Bollinger	Kelly	Stagg
Burns	Kilpatrick	Stephenson
Burson	Landry, A.	Stinson
Casey	Landry, E. J.	Tapper
Champagne	Lanier	Tate
Chehardy	LeBleu	Thompson
Cowen	LeBreton	Tobias
Dennery	Leithman	Toca
Derbes	Lennox	Toomy
Drew	Lowe	Velazquez
Duval	Mauberret	Vick
Edwards	Mire	Weiss
Elkins	Newton	Winchester
Flory	O'Neill	Womack
Fowler	Perkins	Zervigon
Giarrusso	Rayburn	
Ginn	Robinson	
Total—67.		

NAYS

Delegates—

Alario	Deshotels	Nunez
Anzalone	Dunlap	Planchard
Armentor	Fayard	Rachal
Arnette	Fontenot	Riecke
Asseff	Fulco	Schmitt
Bergeron	Gauthier	Segura
Brien	Grier	Shannon
Brown	Hardee	Singletary
Carmouche	Hayes	Smith
Chatelain	Heine	Stovall
Conino	Hernandez	Sutherland
Conroy	Juneau	Triche
Corne	Kilbourne	Ullo
D'Gerolamo	Lambert	Warren
De Blieux	McDaniel	Willis
Dennis	Miller	Wisham
Total—48.		

ABSENT

Delegates—

Aertker	Landrum	Reeves
Badeaux	Leigh	Taylor
Cannon	Martin	Thistlethwaite
Guidry	Munson	Vesich
Jackson, J.	Ourso	Wall
Kean	Perez	
Total—17.		

And the amendment, having received the vote of a majority of the total membership required to adopt a Section to a Proposal, was passed.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Juneau, Anzalone, Gauthier, Alario, Asseff and Grier to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following:

"Section 11. Powers and Duties of the Commissioner of Insurance

Section 11. There shall be a department of insurance headed by the commissioner of insurance, who shall administer the insurance code and shall be responsible for all rate-making, regulatory and other functions of the state relating to insurance and shall have such other powers and perform such other duties as maybe authorized by this constitution or by statute."

AMENDMENT No. 2—

Strike out Amendment No. 1 proposed by Delegate Casey and adopted by the Convention on August 9, 1973.

Point of Order

Delegate Triche sought a ruling from the Chair as to whether an amendment to a Section, which Section itself was submitted and adopted as an amendment, would be in order after the vote on the amendment creating a new Section had been reconsidered, and the motion to reconsider laid on the table.

Ruling of the Chair

The Chair ruled that such amendments were in order in that: (a) the original amendment had the effect of adding a new Section which, in equity, should be subject to amendment; and, (b) the motion to reconsider the passage of the original amendment adding a Section when tabled, went to the determination of the addition of the new Section and did not have further consideration of the language then contained in that added Section, as the Rules require consideration Section by Section.

The Chair amplified the ruling, ruling further that a mo-

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tion would lie to adopt a Section added to a proposal by way of amendment, further discussion or amendment, if any.

Delegate Shannon moved previous question on entire subject matter.

Delegate Juneau objected.

By a vote of 61 yeas and 52 nays the previous question was ordered.

Delegate Juneau moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fulco	O'Neill
Anzalone	Gauthier	Ourso
Asseff	Grier	Riecke
Brown	Hardee	Schmitt
Chatelain	Hayes	Singletary
Corne	Heine	Stephenson
D'Gerolamo	Juneau	Stinson
Deshotels	Kilbourne	Sutherland
Drew	Kilpatrick	Ullo
Elkins	Lambert	Warren
Fayard	Leithman	Winchester
Fontenot	McDaniel	
Fowler	Nunez	
Total—37.		

NAYS

Delegates—		
Abraham	Giarrusso	Roemer
Alexander	Ginn	Roy
Armentor	Gravel	Sandoz
Arnette	Guarisco	Segura
Avant	Haynes	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Slay
Blair	Jackson, A.	Smith
Bollinger	Jenkins	Soniat
Brien	Kelly	Stagg
Burns	Landry, A.	Stovall
Burson	Landry, E. J.	Tapper
Carmouche	Lanier	Tate
Casey	LeBleu	Thompson
Chehardy	LeBreton	Tobias
Conino	Lennox	Toca
Conroy	Lowe	Toomy
Cowen	Mauberret	Triche
De Blieux	Miller	Velazquez
Dennery	Mire	Vick
Dennis	Newton	Weiss
Derbes	Planhard	Willis
Dunlap	Rachal	Wisham
Duval	Rayburn	Womack
Edwards	Reeves	Zervigon
Flory	Robinson	
Total—77.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Perez
Aertker	Kean	Perkins
Badeaux	Landrum	Taylor
Cannon	Leigh	Thistlethwaite
Champagne	Martin	Vesich
Guidry	Munson	Wal
Total—18.		

And the amendments were rejected.

Delegate Roy moved to reconsider the vote by which the

amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, New Section 11, as added by amendments, was read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Guarisco	Reeves
Abraham	Hernandez	Robinson
Alexander	Jack	Roemer
Armentor	Jackson, A.	Roy
Avant	Jenkins	Sandoz
Bel	Kelly	Shannon
Blair	Landry, A.	Silvebrerg
Bollinger	Landry, E. J.	Slay
Burns	LeBleu	Stagg
Burson	LeBreton	Stephenson
Casey	Leithman	Stinson
Cowen	Lennox	Tate
Dennery	Lowe	Thompson
Drew	Mauberret	Tobias
Duval	Mire	Toomy
Edwards	Newton	Weiss
Flory	Nunez	Winchester
Fowler	O'Neill	Wisham
Giarrusso	Planhard	Womack
Ginn	Rayburn	Zervigon
Total—60.		

NAYS

Delegates—		
Alario	Elkins	Rachal
Anzalone	Fayard	Riecke
Arnette	Fontenot	Schmitt
Asseff	Fulco	Segura
Bergeron	Gauthier	Singletary
Brien	Gravel	Smith
Brown	Grier	Soniat
Carmouche	Hardee	Stovall
Chatelain	Hayes	Sutherland
Chehardy	Haynes	Tapper
Conino	Heine	Toca
Conroy	Juneau	Triche
Corne	Kilbourne	Ullo
D'Gerolamo	Kilpatrick	Velazquez
De Blieux	Lambert	Vick
Dennis	Lanier	Warren
Derbes	McDaniel	Willis
Deshotels	Miller	
Dunlap	Ourso	
Total—55.		

ABSENT

Delegates—		
Aertker	Kean	Perkins
Badeaux	Landrum	Taylor
Cannon	Leigh	Thistlethwaite
Champagne	Martin	Vesich
Guidry	Munson	Wall
Jackson, J.	Perez	
Total—17.		

And the Chair declared that the above Section having failed to receive a vote of the majority of the total membership, failed to pass.

Delegate Triche moved to reconsider the vote by which the above Section failed to pass and lay the motion to reconsider on the table.

Mr. Jenkins objected to tabling the motion to reconsider.

By a vote of 38 yeas and 74 nays and the Convention refused to table the motion to reconsider.

Delegate Jenkins insisted upon the motion to reconsider the vote by which the Section failed to pass.

Delegate Triche objected.

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By a vote of 87 yeas and 24 nays the vote by which the Section failed to pass was reconsidered.

And the chair announced that the Convention had before it the question of the passage of new Section 11 of Committee Proposal No. 4, added by Floor Amendment proposed by Delegate Casey and adopted by the Convention on August 9, 1973.

Passage

Committee Proposal No. 4, New Section 11, added by Floor Amendments, was read.

Delegate Casey moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Planchard
Alario	Gauthier	Rayburn
Alexander	Giarrusso	Reeves
Armentor	Ginn	Robinson
Avant	Gravel	Roemer
Bel	Guarisco	Roy
Blair	Haynes	Sandoz
Bollinger	Heine	Silverberg
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jenkins	Stagg
Casey	Kelly	Stephenson
Chehardy	Kilpatrick	Stinson
Conino	Landry, A.	Sutherland
Cowen	Landry, E. J.	Tapper
D'Gerolamo	LeBleu	Tate
Dennery	LeBreton	Thompson
Deshotels	Leithman	Tobias
Drew	Lennox	Toca
Dunlap	Lowe	Toomy
Duval	Mauberrret	Weiss
Edwards	Mire	Winchester
Elkins	Newton	Wisham
Flory	Nunez	Womack
Fowler	O'Neill	Zervigon
Total—78.		

NAYS

Delegates—		
Anzalone	Fontenot	Riecke
Arnette	Grier	Schmitt
Asseff	Hardee	Segura
Bergeron	Hayes	Shannon
Carmouche	Juneau	Soniat
Chatelain	Kilbourne	Stovall
Conroy	Lambert	Triche
Corne	Lanier	Uilo
De Blieux	McDaniel	Velazquez
Dennis	Miller	Vick
Derbes	Ourso	Warren
Fayard	Rachal	Willis
Total—36.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Perez
Aertker	Kean	Perkins
Badeaux	Landrum	Taylor
Cannon	Leigh	Thistlethwaite
Champagne	Martin	Vesich
Guidry	Munson	Wall
Total—18.		

And the Chair declared that the above Section was passed.

Delegate Casey moved to reconsider the vote by which the above Section was passed and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Thompson, and based upon the prior ruling of the Chair of this date, the Convention took up new Section 10 of Committee Proposal No. 4, added by Floor Amendment proposed by Delegate Dennery and adopted by the Convention on August 9, 1973, with a view of finally adopting the same.

Passage

Committee Proposal No. 4, New Section 10, added by Floor Amendment was read.

Delegate Thompson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Nunez
Alario	Giarrusso	O'Neill
Anzalone	Ginn	Planchard
Avant	Gravel	Rayburn
Bel	Grier	Reeves
Blair	Hardee	Riecke
Bollinger	Hayes	Robinson
Brown	Haynes	Roemer
Burns	Heine	Roy
Burson	Hernandez	Sandoz
Casey	Jack	Shannon
Chatelain	Jackson, A.	Slay
Chehardy	Juneau	Smith
Conino	Kelly	Stagg
Corne	Kilbourne	Stephenson
Cowen	Kilpatrick	Stinson
D'Gerolamo	Lambert	Tate
Dennery	Landry, E. J.	Thompson
Dennis	Lanier	Tobias
Deshotels	LeBleu	Toca
Drew	LeBreton	Toomy
Dunlap	Leithman	Warren
Edwards	Lennox	Weiss
Elkins	Lowe	Willis
Fayard	McDaniel	Winchester
Flory	Mauberrret	Wisham
Fontenot	Miller	Womack
Fowler	Mire	Zervigon
Fulco	Newton	
Total—86.		

NAYS

Delegates—		
Alexander	Derbes	Singletary
Armentor	Duval	Soniat
Arnette	Guarisco	Stovall
Asseff	Landry, A.	Sutherland
Bergeron	Ourso	Triche
Brien	Rachal	Uilo
Carmouche	Schmitt	Velazquez
Conroy	Segura	Vick
De Blieux	Silverberg	
Total—26.		

ABSENT

Delegates—		
Mr. Chairman	Jenkins	Perkins
Aertker	Kean	Tapper
Badeaux	Landrum	Taylor
Cannon	Leigh	Thistlethwaite
Champagne	Martin	Vesich
Guidry	Munson	Wall
Jackson, J.	Perez	
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Thompson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up Reports of Committee at this time.

Reports of Committees

The following reports of committees were received and read:

Mr. Alphonse Jackson, Jr., chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 8, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

Reported Unfavorably.

Respectfully submitted,

ALPHONSE JACKSON, JR.
Chairman.

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 20—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Lies over under the rules.

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL No. 20—

ARTICLE X. ELECTIONS

Section 1. Free Elections

Section 1. Elections shall be freely and fairly conducted on a periodic basis. No law shall interfere with the free exercise of the right to vote.

Source: New; see, however, La. Const. Art. VIII, §4 (1921);

Ill. Const. Art. III, §3 (1970).

Comment: The 1921 provision referred to fairness in party

primaries. The proposed section states that elections in general shall be freely and fairly conducted and prohibits laws that would interfere with the exercise of the right to vote. The section is designed to establish a general standard for the conduct of elections.

Section 2. Secret Ballot

Section 2. Voting shall be by secret ballot, and all ballots cast shall be counted publicly and preserved inviolate until any election contests have been settled.

Source: New; see, however La. Const. Art. VIII, §§7, 15, 22 (1921).

Comment: The 1921 provisions spelled out in great detail the procedures for voting and counting ballots, some of which are now obsolete. The new provision protects the secrecy of voting and requires preservation of ballots or other records of the vote until election contests have been settled.

Section 3. Residence of Electors

Section 3. No elector shall lose a bona fide residence by temporary absence due to any employment, including military service, or while studying or visiting away from his voting district.

Source: La. Const. Art. VIII, §11 (1921).

Comment: The 1921 provision provided that one did not lose his voting residence because of absence due to government service or study. The present provision extends this principle to private civilian employment and visiting away from one's voting district.

Section 4. Political Activities

Section 4. No law shall deny the right of each person to organize, join, support, or oppose any political party or organization, or to support or oppose any candidate or proposition except as otherwise provided in this constitution.

Source: New

Comment: This section would protect the right of persons to associate together for political purposes except for specific prohibitions included in the constitution (i.e. civil service).

Section 5. Privilege from Arrest

Section 5. Every qualified elector shall be privileged from arrest in going to and returning from voting and while exercising the right to vote in all cases except felony or breach of the peace.

Source: La. Const. Art. VIII, §8 (1921).

Comment: Simplification of language; no change in substance.

Section 6. Candidacy for Public Office

Section 6. No qualified elector shall be denied the right to seek public office in the election district in which he is registered except as otherwise provided in this constitution.

Source: New; see, however, New Mexico Const. Art. VII,

§2 (1912).

Comment: The provision is new to Louisiana but it is the same in substance as the New Mexico provision. Its effect would be to protect the right of citizens to run for office by prohibiting the imposition of additional qualifications for office not authorized by the constitution.

Section 7. Vote Required for Election

Section 7. No person shall be elected to any public office unless he has received the highest number of votes cast for that office. The legislature shall provide a method for breaking ties.

Source: New; see, however, Mont. Const. Art. IV, §5 (1972); Ariz. Const. Art. VII, §7 (1912).

Comment: The provision permits the continuance of present practice (closed primaries and general elections) with regard to election of candidates while also permitting the legislature to adopt an open primary system in the future if it so chooses. It also mandates the legislature to provide a method for breaking ties.

Section 8. Limitation on Term of Office

Section 8. No term for any public office elected by the people shall exceed four years except as otherwise provided in this constitution.

Source: New; see, however, La. Const. Art. VIII, §§9, 10 (1921); Ore. Const. Art. XV, §2 (1859); and Ind. Const. Art. XV, §2 (1851).

Comment: The 1921 provisions state that general elections, and municipal elections in New Orleans, shall take place every four years. The proposed section would establish four years as the upper limit for fixed terms unless the constitution provides otherwise. The Indiana and Oregon

Constitutions have substantially the same provisions as the proposed section.

Section 9. Prohibited Use of Public Funds

Section 9. No public funds shall be used to urge any elector to vote for or against any candidate, nor appropriated to any candidate or political organization.

Source: New

Comment: This provision would prohibit a candidate from using public funds in his campaign and it would also prohibit public financing of the campaigns of candidates or political organizations.

Section 10. Registrars of Voters

Section 10. The governing authority of each parish shall appoint a parish registrar of voters who shall provide such bond and receive such compensation as may be determined by law. No person shall serve as registrar of voters while a qualified candidate for any elective office.

Source: La. Const. Art. VIII, §18 (1921).

Comment: The 1921 provision, that the governing authority of each parish appoints its own registrar, is retained. The 1921 provision which constitutionalizes the Board of Registration is deleted. The present stringent prohibitions against registrars holding subsequent public office for twelve months are relaxed somewhat but a registrar must vacate his office if he qualifies for any elective office.

Section 11. Commissioners and Poll Watchers

Section 11. The legislature shall provide for the selection of commissioners and poll watchers at every election.

Source: La. Const. Art. VIII, §20 (1921).

Comment: The detailed provisions on commissioners and poll watchers in the 1921 Constitution are reduced to a simple mandate to the legislature.

Section 12. Election Returns

Section 12. Returns of elections for public officials shall be made to the secretary of state.

Source: La. Const. Art. VIII, §14 (1921).

Comment: The 1921 provision required returns of elections of civil offices commissioned by the governor to be made to the secretary of state unless otherwise provided in the constitution. The present provision requires all returns to be made to the secretary of state without exception.

Section 13. Registration Challenges

Section 13. A person may contest in the district court his denial of registration, or denial of his request to have removed from the rolls any names placed or standing thereon illegally which cases shall have preference over all others.

Source: La. Const. Art. VIII, §5 (1921).

Comment: Simplification of language with details of procedure deleted.

Section 14. Election Contests

Section 14. The legislature shall provide by law for the judicial determination of contested elections.

Source: La. Const. Art. VIII, §12 (1921).

Comment: Simplification of language with details of procedure deleted.

Section 15. Election Fraud

Section 15. No person shall register and vote in more than one place, nor offer or receive anything of value in exchange for a vote, nor engage in any other form of election fraud. The legislature shall enact laws to suppress such activities, and penalties in such cases may include suspension of the right to vote and hold office for a period not to exceed five years.

Source: La. Const. Art. VIII, §23 (1921).

Comment: Simplification of language with details of procedure deleted. In addition, instead of permanent loss of political rights for election fraud, the legislature may only suspend such rights for five years.

Section 16. Code of Elections

Section 16. The legislature shall provide for a code of elections.

Source: New

Comment: This is a new section which simply mandates the legislature to provide for an elections code.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Tuesday, August 14, 1973, at 5:00 o'clock P. M. in Committee Rm. 5 and will consider the following agenda:

AGENDA

To consider and complete work on the proposed Code of Ethics and dual officeholding.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee
on Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Fontenot 1/2—day.

Delegate Kean 1—day.

Delegate Lowe 1/2—day.

Adjournment

Delegate Nunez moved that the Convention do now adjourn until Friday, August 10, 1973 at 9:30 o'clock A. M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, August 10, 1973 at 9:30 o'clock A. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

TWENTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, August 10, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—	Fowler	Perkins
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginh	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Robinson
Armentor	Guarisco	Roemer
Arnette	Hardee	Roy
Asseff	Hayes	Sandoz
Avant	Haynes	Schmitt
Bel	Heine	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, A.	Singletary
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Conroy	LeBleu	Thompson
Corne	LeBreton	Tobias
Cowen	Lennox	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Triche
Dennery	Lennox	Velazquez
Dennis	Lowe	Vick
Derbes	McDaniel	Warren
Deshotels	Martin	Weiss
Drew	Maubertret	Willis
Dunlap	Miller	Winchester
Duval	Mire	Wisham
Edwards	Munson	Womack
Elkins	Newton	Zervigon
Fayard	Nunez	
Flory	O'Neill	
Fontenot	Ourso	
Total—121.		

ABSENT

Delegates—	Perez	Ullo
Badeaux	Slay	Vesich
Cannon	Taylor	Wall
Jackson, J.		
Kilpatrick		
Total—10.		

The Chairman announced that there were 121 members present and a quorum.

Prayer

Prayer was offered by Delegate Brien.

Pledge of Allegiance

Delegate Wisham led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Alexander, the reading of the Journal was dispensed with.

On motion of Delegate Alexander, the Journal of yesterday was adopted.

Morning Hour

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

Read.

Lies over under the rules.

**Proposals on Second
Reading and Referral**

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 20—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Under the rules the above Proposal was referred to the Committee on Bill of Rights and Elections.

Reports of Committees Lying Over

**Delegate and Committee
Resolutions and Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 14—

Introduced by Delegate Bergeron:

A PROPOSAL

Relative to amending the constitution.

Read.

Reported unfavorably by the Committee on Bill of Rights and Elections.

On motion of Delegate Burns the Proposal was withdrawn from the files of the Convention.

Motion

On motion of Delegate Brown, the Convention altered the Order of Business to take up Resolutions on Third Reading and Final Passage at this time.

**Resolutions
Delegate and Committee**

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

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DELEGATE RESOLUTION No. 27—

Introduced by Delegate James H. Brown, Jr.:

A RESOLUTION

To extend greetings and commendations to the surviving delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.

Read.

On motion of Delegate Brown the resolution was adopted.

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure.

Read.

Delegate Leithman moved the adoption of the resolution.

Delegate Roemer objected.

By a vote of 92 yeas and 3 nays the resolution was adopted.

Motion

On motion of Delegate Gravel, the Convention altered the Order of Business to take up Unfinished Business at this time.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE RESOLUTION No. 4—

Introduced by Delegate Staggs Chairman, on behalf of the Committee on Executive Department.

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 4 when it adjourned on August 9, 1973, which was taken up and acted upon as follows:

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly, Asseff, Abraham, Anzalone, Brien and Gravel to Committee Proposal No. 4 by Delegate Staggs, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 23 and 24, add the following: "Section 12. Department of Elections and Registration Section 12. There shall be a department of elections and registration headed by the state commissioner of elections who shall administer the laws relative to custody of voting machines and voter registration. The commissioner shall

have such powers and perform such duties as may be authorized by this constitution or provided by statute."

Delegate Kelly moved the adoption of the amendment.

Delegate Juneau objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Grier	Rachal
Abraham	Hardee	Rayburn
Aertker	Hayes	Riecke
Alario	Haynes	Robinson
Alexander	Heine	Roemer
Asseff	Hernandez	Roy
Avant	Jack	Sandoz
Bergeron	Jackson, A.	Segura
Blair	Jenkins	Shannon
Brown	Kean	Silverberg
Burns	Kelly	Smith
Burson	Kilbourne	Stagg
Carmouche	Lambert	Stephenson
Casey	Landrum	Stinson
Champagne	Landry, A.	Sutherland
Chehardy	Landry, E. J	Tate
Cowen	LeBreton	Thompson
D'Gerolamo	Leithman	Tobias
Dennery	Lowe	Toca
Dennis	McDaniel	Toomy
Deshotels	Martin	Triche
Drew	Maubertret	Velazquez
Dunlap	Mire	Vick
Elkins	Munson	Weiss
Flory	Newton	Winchester
Fowler	Nunez	Wisham
Fulco	O'Neill	Womack
Gauthier	Perkins	Zervigon
Gravel	Planchard	
Total—86.		

NAYS

Delegates—		
Armentor	Derbes	Miller
Arnette	Duval	Schmitt
Brien	Fontenot	Singletary
Chatelain	Giarrusso	Soniat
Conino	Guarisco	Stovall
Conroy	Juneau	Warren
Corne	Lanier	Willis
De Blieux	Lennox	
Total—23.		

ABSENT

Delegates—		
Anzalone	Guidry	Slay
Badeaux	Jackson, J.	Tapper
Bel	Kilpatrick	Taylor
Bollinger	LeBleu	Thistlethwaite
Cannon	Leigh	Ullo
Edwards	Ourso	Vesich
Fayard	Perez	Wall
Ginn	Reeves	
Total—23.		

And the amendment, having received the vote of a majority of the total membership was passed.

Delegate Kelly moved to reconsider the vote by which the amendment was passed, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, New Section 12, added by Floor Amendment, was read

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Aertker	Alexander
Abraham	Alario	Asseff

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Avant	Haynes
Bergeron	Heine
Blair	Hernandez
Brien	Jack
Brown	Jackson, A.
Burns	Jenkins
Burson	Kean
Carmouche	Kelly
Casey	Kilbourne
Champagne	Lambert
Chatelain	Landrum
Chehardy	Landry, A.
Conino	Landry, E. J.
Cowen	LeBreton
D'Gerolamo	Leigh
Dennery	Leithman
Dennis	Lowe
Deshotels	McDnaiel
Drew	Martin
Dunlap	Mauberrert
Elkins	Mire
Flory	Munson
Fowler	Newton
Fulco	Nunez
Gauthier	O'Neill
Gravel	Perkins
Grier	Planchard
Hardee	Rachal
Hayes	Rayburn

Total—91.

NAYS

Delegates—
Armentor
Arnette
Conroy
Corne
De Blieux
Derbes
Duval
Total—19.

Fontenot
Giarrusso
Guarisco
Juneau
Lanier
Lennox
Miller

Schmitt
Soniat
Stovall
Warren
Willis

ABSENT

Delegates—
Anzalone
Badeaux
Bel
Bollinger
Cannon
Edwards
Fayard
Ginn
Total—22.

Guidry
Jackson, J.
Kilpatrick
LeBleu
Ourso
Perez
Reeves
Slay

Tapper
Taylor
Thistlethwaite
Ullo
Vesich
Wall

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. First Assistants

Section 10. Each statewide elected official, except the governor and lieutenant governor, shall appoint a first assistant, subject to confirmation by the Senate, and may remove him at his pleasure. The official shall submit such appointment to the Senate in the same manner in which the governor submits appointments, and shall be subject to the same procedures and limitations in connection therewith as are imposed upon the governor. The first assistant shall possess the same qualifications as those required for election to that office.

Read.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 24 through 32, both inclusive, in their entirety.

AMENDMENT No. 2—

On page 8, delete line 1 in its entirety

Delegate Drew moved the adoption of the amendments.

Delegate Abraham objected.

By a vote of 53 yeas, 58 nays the amendments were rejected.

Delegate Arnette moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Asseff sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 27 through 32 in their entirety and insert in lieu thereof the following:

"tant, who shall serve at his pleasure. The first assistant shall possess the same quali—"

On motion of Delegate Asseff the amendment was withdrawn.

Delegate Brown sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 26, immediately after the word "governor" and before the comma ",", delete the words "and lieutenant governor"

AMENDMENT No. 2—

On page 7, line 27, immediately after the word "to" and before the word "confirmation" insert the word "public"

On motion of Delegate Stovall a division of the question was ordered.

Delegate Brown moved the adoption of Amendment No. 1.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Alexander
Brown
Dennis
Derbes
Deshotels
Drew
Dunlap
Elkins
Flory
Total—25.

Fowler
Ginn
Gravel
Lambert
Landry, E. J.
LeBleu
McDaniel
Martin
Mire

Newton
Rayburn
Reeves
Roemer
Roy
Stinson
Thompson

NAYS

Delegates—
Abraham
Aertker
Alario
Armentor
Arnette
Asseff
Avant

Bel
Bergeron
Blair
Bollinger
Brien
Burns
Burson

Carmouche
Casey
Champagne
Chatelain
Chehardy
Conino
Conroy

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Corne	Kilbourne	Singletary
Cowen	Landrum	Smith
D'Gerolamo	Lanier	Soniat
De Blieux	LeBreton	Stagg
Dennery	Leigh	Stephenson
Duval	Leithman	Stovall
Edwards	Lennox	Sutherland
Fontenot	Lowe	Tate
Fulco	Mauberret	Thistlethwaite
Gauthier	Miller	Tobias
Giarrusso	Munson	Toca
Grier	Nunez	Toomy
Guarisco	O'Neill	Velaquez
Hardee	Perkins	Warren
Hayes	Planchard	Weiss
Heine	Rachal	Willis
Hernandez	Riecke	Winchester
Jack	Robinson	Wisham
Jenkins	Sandoz	Womack
Juneau	Schmitt	Zervigon
Kean	Shannon	
Kelly	Silverberg	
Total—85.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Taylor
Anzalone	Kilpatrick	Triche
Badeaux	Landry, A.	Ullo
Cannon	Ourso	Vesich
Fayard	Perez	Vick
Guidry	Segura	Wall
Haynes	Slay	
Jackson, A.	Tapper	
Total—22.		

And the amendment was rejected.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown moved the adoption of Amendment No. 2.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	LeBreton
Aertker	Edwards	Lennox
Alario	Elkins	McDaniel
Alexander	Flory	Martin
Armentor	Fontenot	Mauberret
Asseff	Fowler	Miller
Avant	Fulco	Mire
Bel	Gauthier	Newton
Bergeron	Giarrusso	O'Neill
Bollinger	Ginn	Perkins
Brown	Gravel	Planchard
Burns	Grier	Rachal
Casey	Guarisco	Rayburn
Champagne	Hardee	Reeves
Chatelain	Hernandez	Riecke
Chehardy	Jack	Robinson
Conino	Jenkins	Roy
Corne	Juneau	Sandoz
Cowen	Kelly	Shannon
D'Gerolamo	Kilbourne	Silverberg
De Blieux	Lambert	Singletary
Dennery	Landrum	Smith
Dennis	Landry, A.	Soniat
Derbes	Landry, E. J.	Stagg
Deshotels	Lanier	Stephenson
Drew	LeBleu	Stinson

Stovall
Sutherland
Thistlethwaite
Thompson
Total—88.

Toca
Velazquez
Warren
Willis

Winchester
Zervigon

NAYS

Delegates—		
Abraham	Hayes	Roemer
Arnette	Heine	Schmitt
Blair	Kean	Tate
Brien	Leigh	Tobias
Burson	Leithman	Toomy
Carmouche	Lowe	Weiss
Conroy	Munson	Wisham
Duval	Nunez	Womack
Total—24.		

ABSENT

Delegates—		
Anzalone	Jackson, J.	Taylor
Badeaux	Kilpatrick	Triche
Cannon	Ourso	Ullo
Fayard	Perez	Vesich
Guidry	Segura	Vick
Haynes	Slay	Wall
Jackson, A.	Tapper	
Total—20.		

And the amendment was adopted.

Delegate Brown moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 24, change "Section 10." to "Section 13."

AMENDMENT No. 2—

On page 7, line 25, change "Section 10." to "Section 13."

On motion of Delegate Stagg the amendments were adopted.

Delegate Stagg moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Landrum to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 27, delete the comma "," after the word "Senate" and insert the following:
"and House of Representatives, acting jointly,"

AMENDMENT No. 2—

On page 7, line 29, immediately after "Senate" and before "in the" insert "and House"

Delegate Landrum moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 24 yeas, 82 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 26, immediately after "governor," and before "appoint" delete the word "shall" and insert in lieu thereof the word "may"

Motion

Delegate Shannon moved the previous question on the entire subject matter.

Delegate Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Gauthier	Sandoz
Aertker	Gravel	Schmitt
Alario	Guarisco	Shannon
Alexander	Hardee	Silverberg
Armentor	Heine	Singletary
Bollinger	Hernandez	Smith
Brien	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kilbourne	Stephenson
Chehardy	Lambert	Stinson
Conino	Lanier	Sutherland
Cowen	LeBreton	Thistlethwaite
D'Gerolamo	Lennox	Thompson
Dennery	Lowe	Toca
Dennis	Mauberret	Vick
Derbes	Munson	Weiss
Deshotels	Nunez	Willis
Dunlap	Rachal	Winchester
Duval	Riecke	Zervigon
Fulco	Roy	

Total—59.

NAYS

Delegates—

Anzalone	Fayard	Miller
Arnette	Flory	Mire
Asseff	Fontenot	Newton
Avant	Fowler	O'Neill
Bel	Giarrusso	Perkins
Bergeron	Ginn	Planchard
Blair	Grier	Rayburn
Brown	Hayes	Reeves
Burns	Jack	Robinson
Burson	Jenkins	Roemer
Champagne	Kelly	Stovall
Chatelain	Landrum	Tate
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toomy
De Blieux	LeBleu	Velazquez
Drew	Leigh	Warren
Edwards	McDaniel	Wisham
Elkins	Martin	Womack

Total—54.

ABSENT

Delegates—

Mr. Chairman	Kilpatrick	Tapper
Badeaux	Leithman	Taylor
Cannon	Ourso	Triche
Guidry	Perez	Ullo
Haynes	Segura	Vesich
Jackson, A.	Slay	Wall
Jackson, J.		

Total—19.

And the previous was ordered on the entire subject matter.

Delegate O'Neill moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 40 yeas, 73 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 10, Amended to become Section 13, was read, as amended.

Delegate Arnette moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fontenot	Rachal
Alexander	Fulco	Riecke
Anzalone	Gauthier	Robinson
Armentor	Gravel	Roemer
Arnette	Grier	Roy
Bel	Guarisco	Sandoz
Bergeron	Hardee	Schmitt
Bollinger	Heine	Shannon
Brien	Hernandez	Silverberg
Brown	Jenkins	Singletary
Burns	Kean	Smith
Burson	Kelly	Stagg
Carmouche	Kilbourne	Stinson
Casey	Lambert	Stovall
Chehardy	Landry, A.	Sutherland
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Cowen	LeBreton	Thompson
D'Gerolamo	Lowe	Tobias
De Blieux	Martin	Toca
Dennery	Mauberret	Velazquez
Derbes	Mire	Weiss
Deshotels	Munson	Willis
Duval	Nunez	Womack
Edwards	Perkins	Zervigon

Total—75.

NAYS

Delegates—

Aertker	Flory	Newton
Alario	Fowler	O'Neill
Asseff	Giarrusso	Planchard
Avant	Ginn	Rayburn
Blair	Hayes	Reeves
Champagne	Jack	Soniat
Chatelain	Juneau	Stephenson
Corne	Landrum	Toomy
Dennis	LeBleu	Vick
Drew	Leigh	Warren
Dunlap	Lennox	Winchester
Elkins	McDaniel	Wisham
Fayard	Miller	

Total—38.

ABSENT

Delegates—

Mr. Chairman	Kilpatrick	Tapper
Badeaux	Leithman	Taylor
Cannon	Ourso	Triche
Guidry	Perez	Ullo
Haynes	Segura	Vesich
Jackson, A.	Slay	Wall
Jackson, J.		

Total—19.

And the Chair declared that the above Section was passed.

Delegate Duval moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 11, Amended to become Section 14, Vacancy in Office of Governor

Section 14. The order of succession in the office of governor in the event of vacancy shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then as may be provided by statute Successors shall serve the remaining term for which the governor was elected.

Read.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 2, change "Section 11." to "Section 14."

AMENDMENT No. 2—

On page 8, line 3, change "Section 11." to "Section 14."

On motion of Delegate Stagg the amendments were adopted.

Delegate Stagg moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 11, Amended to become Section 14, was read, as amended.

Delegate Duval moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dunlap	McDaniel
Abraham	Duval	Martin
Alario	Edwards	Maubernet
Alexander	Elkins	Miller
Anzalone	Fayard	Mire
Armentor	Flory	Newton
Arnette	Fowler	Nunez
Asseff	Fulco	O'Neill
Avant	Gauthier	Perkins
Bel	Giarrusso	Planchard
Bergeron	Gravel	Rachal
Bollinger	Guarisco	Rayburn
Brien	Hardee	Reeves
Brown	Hayes	Riecke
Burns	Heine	Robinson
Burson	Hernandez	Roemer
Carmouche	Jack	Roy
Casey	Jenkins	Sandoz
Champagne	Juneau	Schmitt
Chatelain	Kean	Shannon
Chehardy	Kilbourne	Silverberg
Conino	Lambert	Singletary
Conroy	Landrum	Smith
Corne	Landry, A.	Soniat
Cowen	Landry, E. J.	Stagg
D'Gerolamo	Lanier	Stinson
De Blieux	LeBleu	Stovall
Dennery	LeBreton	Sutherland
Dennis	Leigh	Tapper
Deshotels	Lennox	Tate
Drew	Lowe	Thistlethwaite

Thompson
Tobias
Toca
Toomy
Total—105.

Velazquez
Vick
Warren
Weiss

Willis
Winchester
Wisham
Zervigon

NAYS

Delegates—
Aertker
Blair
Fontenot
Total—9.

Ginn
Grier
Kelly

Munson
Stephenson
Wornack

ABSENT

Delegates—
Badeaux
Cannon
Derbes
Guidry
Haynes
Jackson, A.
Total—18.

Jackson, J.
Kilpatrick
Leithman
Ourso
Perez
Segura

Slay
Taylor
Triche
Ullo
Vesich
Wall

And the Chair declared that the above Section was passed.

Delegate Duval moved to reconsider the vote by which the above Section was passed, and on his own motion, the motion to reconsider was laid on the table.

Original Section 12, Amended to become Section 15, Vacancy in Office of Lieutenant Governor

Section 15. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

Delegate Brown sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 11 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Vacancy in Office of Statewide Elective Officials

Section 15. Whenever there is a vacancy in the office of any statewide elected official, other than the governor, the governor shall nominate a person to fill such vacancy, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature during a legislative session. However, temporary approval may be obtained by the written consent of a majority of the elected members of each house of the legislature during an interim period. Until such time as the appointee to the vacancy is confirmed by the legislature, the first assistant to the vacant office shall serve in such office, except in the office of the lieutenant governor. Once the appointee has been confirmed, he shall serve until the office is filled by election. Such election shall take place at the time of the next regular congressional election."

Point of Order

The Chairman ruled the amendment out of order because the amendment, as submitted, affected more than on Section of the Proposal.

On motion of Delegate Brown, the amendment was withdrawn.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stagg et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

On page 8, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Vacancy in Office of Statewide Elective Officials

Section 15. Whenever there is a vacancy in the office of any statewide elected official, other than the governor, the governor shall nominate a person to fill such vacancy, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature during a legislative session. However, temporary approval may be obtained by the written consent of a majority of the elected members of each house of the legislature during an interim period. Until such time as the appointee to the vacancy is confirmed by the legislature, the first assistant to the vacant office shall serve in such office, except in the office of the lieutenant governor. Once the appointee has been confirmed, he shall serve until the office is filled by election. Such election shall take place at the time of the next regular congressional election."

On motion of Delegate Brown the amendment was withdrawn.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 11 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. Vacancy in Office of Statewide Elective Officials

Section 15. Whenever there is a vacancy in the office of any statewide elected official, other than the governor, the governor shall nominate a person to fill such vacancy, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature during a legislative session. However, temporary confirmation may be obtained by the written consent of a majority of the elected members of each house of the legislature during an interim period. Until such time as the appointee to the vacancy is confirmed by the legislature, the first assistant to the vacant office shall serve in such office, except in the office of the lieutenant governor. Once the appointee has been confirmed, he shall serve until the office is filled by election. Such election shall take place at the time of the next regular congressional or statewide election."

Delegate Brown moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 43 yeas, 70 nays the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 13, immediately after the word "the" delete the remainder of the line and lines 14 and 15 in their entirety and insert in lieu thereof the following:

"presiding officer of the Senate shall discharge the duties

of lieutenant governor and receive the emoluments of that office."

Delegate Juneau moved the adoption of the amendment.

Delegate Stovall objected.

By a vote of 47 yeas, 66 nays the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 11, change "Section 12." to "Section 15."

AMENDMENT No. 2—

On page 8, line 12, change "Section 12." to "Section 15."

On motion of Delegate Abraham the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

August 10, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Robert Pugh, 329 Texas Street, Shreveport, Louisiana, 71101, as delegate to the Constitutional Convention of 1973 (at large), vice Representative Richard Guidry, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

Oath of Office

Mr. Robert Pugh appeared before the bar of the Convention and took the following oaths of office administered by Hon. David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

• • •

"I, (Robert Pugh) do solemnly swear that I will support the Constitution and laws of the United States and the

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Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Unfinished Business at this time.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Original Section 12, Amended to become Section 15, Vacancy in Office of Lieutenant Governor

Section 15. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

Passage

Committee Proposal No. 4, Original Section 12, Amended to become Section 15, was read, as amended.

Delegate Abraham moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Corne	Jack
Abraham	Cowen	Jenkins
Aertker	D'Gerolamo	Juneau
Alario	De Blieux	Kean
Alexander	Dennery	Kilbourne
Anzalone	Dennis	Lambert
Arnette	Derbes	Landry, A.
Asseff	Duval	Landry, E. J.
Avant	Edwards	Lanier
Bel	Elkins	LeBleu
Bergeron	Fayard	LeBreton
Blair	Flory	Leigh
Bollinger	Fontenot	Leithman
Brien	Fowler	Lennox
Burns	Gauthier	Lowe
Burson	Giarrusso	McDaniel
Casey	Gravel	Martin
Champagne	Grier	Maubertret
Chatelain	Guarisco	Miller
Chehardy	Hayes	Mire
Conino	Heine	Munson
Conroy	Hernandez	Newton

Nunez
O'Neill
Ourso
Perkins
Planchard
Pugh
Rachal
Rayburn
Reeves
Riecke
Robinson
Roy
Sandoz

Total—104.

Delegates—
Brown
Carmouche
Deshotels
Total—9.

Delegates—
Armentor
Badeaux
Cannon
Fulco
Hardee
Haynes
Jackson, A.
Total—19.

Schmitt
Segura
Shannon
Silverberg
Singletary
Smith
Soniati
Stinson
Stovall
Sutherland
Tapper
Tate
Thistlethwaite

NAYS

Drew
Dunlap
Ginn
Kelly
Landrum
Stephenson

ABSENT

Jackson, J.
Kilpatrick
Perez
Roemer
Slay
Stagg
Taylor
Triche
Ullo
Vesich
Wall
Womack

And the Chair declared that the above Section was passed.

Delegate Abraham moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Original Section 13, Amended to become Section 16. Vacancies in Other Statewide Elective Offices

Section 16. The order of succession in any other statewide elective office, in the event of a vacancy in such office, shall be the appointed first assistant in such office. Successors to such offices shall serve for the remainder of the term for which the official was elected.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant, Rayburn, Burns, Kean, Zervigon and Dennery to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 17 through 21, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 16. A vacancy in any statewide elective office, other than that of governor or lieutenant governor, shall be filled by the first assistant of such official; however, if the unexpired term remaining is more than one year, the office shall be filled by election held at the next regularly scheduled congressional election or statewide election, and the first assistant shall serve only until the person then elected takes office."

Delegate Avant moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 106 yeas and 1 nay the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 16, change "Section 13." to "Section 16."

AMENDMENT No. 2—

On page 8, line 17, change "Section 13." to "Section 16."

On motion of Delegate Abraham the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 4, Original Section 13, Amended to become Section 16, was read, as amended.

Delegate Abraham moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	O'Neill
Abraham	Flory	Ourso
Aertker	Fontenot	Perkins
Alario	Fowler	Planchard
Alexander	Fulco	Pugh
Anzalone	Gauthier	Rayburn
Arnette	Giarrusso	Reeves
Asseff	Ginn	Riecke
Avant	Gravel	Roy
Bel	Grier	Sandoz
Bergeron	Guarisco	Schmitt
Blair	Hayes	Segura
Bollinger	Heine	Shannon
Brier	Hernandez	Silverberg
Brown	Jack	Singletary
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Carmouche	Kean	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Velazquez
Dennis	Lowe	Vick
Derbes	McDaniel	Warren
Deshotels	Martin	Weiss
Drew	Mauberrert	Willis
Dunlap	Miller	Winchester
Duval	Munson	Wisham
Edwards	Newton	Zervigon
Elkins	Nunez	
Total—110.		

NAYS

Total—0.

ABSENT

Delegates—		
Armentor	Haynes	Landrum
Badeaux	Jackson, A.	Mire
Cannon	Jackson, J.	Perez
Hardee	Kilpatrick	Rachal

Robinson	Taylor	Wall
Roemer	Triche	Womack
Slay	Ullo	
Stagg	Vesich	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Dennery moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Original Section 14, Amended to become Section 17. Other Vacancies

Section 17. (A) Should no other provision therefor be made by this constitution, by statute, by local government charter, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, and the unexpired portion of the term of office is more than one year, the vacancy shall be filled at an election within six months, as may be provided by statute. The appointment provided for herein shall be effective only until a successor is duly elected and qualified.

(B) Nothing in this Section shall be construed as changing the qualifications for the various offices involved, and all appointments must be of persons who otherwise would be eligible to hold offices to which appointed.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Gravel and De Blieux to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 27, after the word and punctuation "office," and before the word "the" delete the word "and"

AMENDMENT No. 2—

On page 8, line 29, after the word "election" and before the word "as" delete the words "within six months"

On motion of Delegate De Blieux the amendments were adopted.

Delegate De Blieux moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 22, change "Section 14." to "Section 17."

AMENDMENT No. 2—

On page 8, line 23, change "Section 14." to "Section 17."

On motion of Delegate Abraham the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

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AMENDMENT No. 1—

On page 8, line 24, at the end of the line, add the following:
"by home rule charter or plan of government,"

Delegate Toomy moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 89 yeas and 19 nays the amendment was adopted.

Delegate Toomy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hayes to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 24, after the word "constitution," strike out the remainder of the line, and at the beginning of line 25, strike out the words "or by ordinance,"

Delegate Hayes moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 13 yeas and 96 nays the amendment was rejected.

Delegate Anzalone moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, line 31, change the period "." after the word "qualified" to a comma "," and add the following:
"and the person so appointed shall be ineligible to be a candidate in the election to fill the unexpired term."

Delegate Roy moved the previous question on the entire subject matter.

Delegate Tobias objected.

By a vote of 79 yeas and 39 nays and the previous question was ordered on the entire subject matter.

Delegate Schmitt moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 16 yeas and 95 nays the amendment was rejected.

Delegate Anzalone moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 14, Amended to become Section 17, was read, as amended.

Delegate Anzalone moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	O'Neill
Abraham	Fontenot	Ourso
Aertker	Fowler	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Pugh
Anzalone	Giarrusso	Rayburn
Arnette	Ginn	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Robinson
Bel	Guarisco	Roy
Bergeron	Heine	Sandoz
Blair	Hernandez	Schmitt
Bollinger	Jack	Segura
Brien	Jackson, A.	Shannon
Brown	Jenkins	Silverberg
Burns	Juneau	Singletary
Burson	Kean	Smith
Carmouche	Kelly	Soniat
Casey	Kilbourne	Stephenson
Chatelain	Lambert	Stinson
Chehardy	Landry, A.	Stovall
Conino	Landry, E. J.	Sutherland
Conroy	Lanier	Tapper
Corne	LeBleu	Tate
Cowen	LeBreton	Thistlethwaite
D'Gerolamo	Leigh	Thompson
De Blieux	Leithman	Tobias
Dennery	Lennox	Toca
Derbes	Lowe	Toomy
Deshotels	McDaniel	Velazquez
Drew	Martin	Vick
Dunlap	Mauberret	Weiss
Duval	Miller	Willis
Edwards	Munson	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Zervigon
Total—108.		

NAYS

Delegates—		
Champagne	Landrum	Warren
Hayes		
Total—4.		

ABSENT

Delegates—		
Armentor	Kilpatrick	Taylor
Badeaux	Mire	Triche
Cannon	Perez	Uilo
Dennis	Rachal	Vesich
Hardee	Roemer	Wall
Haynes	Slay	Womack
Jackson, J.	Stagg	
Total—20		

And the Chair declared that the above Section was passed.

Delegate Anzalone moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Original Section 15, Amended to become Section 18. Definition of Vacancy

Section 18. A vacancy as used in this constitution shall occur in the event of death, resignation, removal by any means, or the failure to take office for any reason.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 4, change "Section 15." to "Section 18."

AMENDMENT No. 2—

On page 9, line 5, change "Section 15." to "Section 18."

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On motion of Delegate Abraham the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 15, Amended to become Section 18, was read, as amended.

Delegate Anzalone moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Giarrusso	Pugh
Alexander	Ginn	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hayes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jack	Shannon
Bollinger	Jenkins	Silverberg
Brien	Juneau	Singletary
Brown	Jackson, A.	Smith
Burns	Kean	Soniat
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Conroy	LeBleu	Thompson
Corne	LeBreton	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Triche
Dennery	Lowe	Velazquez
Derbes	McDaniel	Vick
Deshotels	Martin	Warren
Drew	Mauberret	Weiss
Dunlap	Miller	Willis
Duval	Mire	Winchester
Elkins	Munson	Wisham
Fayard	Newton	Zervigon
Flory	Nunez	
Fontenot	O'Neill	
Total—112.		

NAYS

Total—0.

ABSENT

Delegates—		
Armentor	Jackson, J.	Stagg
Badeaux	Kilpatrick	Taylor
Cannon	Perez	Ullo
Dennis	Rachal	Vesich
Edwards	Roemer	Wall
Hardee	Segura	Womack
Haynes	Slay	
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Anzalone moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennis, the Convention altered the

Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Dennis, chairman, on behalf of the Committee on the Judiciary, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 10, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on the Judiciary to submit the following report:

COMMITTEE PROPOSAL No. 6—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, Tobias and Vesich:

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Reported by substitute.

Respectfully submitted,
JAMES L. DENNIS,
Chairman.

Suspension of the Rules

On motion of Delegate Dennis the rules were suspended in order to take up the Committee Proposal contained in the Committee Report at this time.

Reports of Committees Lying Over

Proposals on Second Reading Reported by Committees

The following entitled Committee and Delegate Proposals reported by Committee were taken up and acted on as follows:

COMMITTEE PROPOSAL No. 6—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate, Tobias and Besich:

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

Reported by substitute by the Committee on Judiciary.

The title to the substitute was read as follows:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government

On motion of Delegate Dennis the substitute was adopted.

On motion of Delegate Dennis, and under a suspension of the rules, the proposal was ordered engrossed and passed to its third reading.

Motion

On motion of Delegate Gravel, the Convention altered the Order of Business to take up Unfinished Business at this time.

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Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

The Chair announced that it had under consideration Committee Proposal No. 4, when it took up other orders of Business which was taken up and acted upon as follows:

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Burson, Derbes, Duval, Lanier, Newton, Roy and Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, between lines 7 and 8, add the following:

"Section 19. Appointment of Designated Officials

Section 19. After the election of statewide elective offices in 1976, the legislature may prescribe the qualifications and provide for appointment, in lieu of elections, of the offices of the commissioner of agriculture, state commissioner of elections, and commissioner of insurance. No action of the legislature, pursuant hereto, shall reduce the term of any such elected official."

Motion

Delegate Munson moved that the amendment be referred to the Committee on Executive Department.

The Chair ruled the motion out of order since the amendment constitutes a complete Section and under the rules a Section of a Proposal may not be committed or recommitted.

Motion

Delegate Weiss objected to the consideration of the question which objection the Chair ruled was not in order under the Rules of Procedure of the Convention.

Appeal from the Ruling of the Chair

Delegate Weiss appealed the ruling of the Chair.

Under the rules the vote recurred on sustaining the chair.

By a vote of 90 yeas and 17 nays and the Chair was sustained.

Delegate Jack moved the previous question on the amendment.

Delegate Bollinger objected.

By a vote of 57 yeas and 54 nays, the previous question was ordered on the amendment.

Delegate Gravel moved the adoption of the amendment.

Delegate Munson objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Alexander
Arnette
Bel
Bergeron
Blair
Brien
Brown
Burson
Carmouche
Casey
Chatelain
Chehardy
Conino
Conroy
De Blieux
Dennery
Dennis
Derbes
Deshotels
Total—58.

Dunlap
Duval
Fayard
Giarrusso
Gravel
Guarisco
Hernandez
Jackson, A.
Kean
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBreton
Leithman
Mire
Newton
Pugh
Roy
Sandoz
Schmitt
Segura
Shannon
Silverberg
Smith
Soniati
Stephenson
Stovall
Sutherland
Tapper
Tate
Thistlethwaite
Tobias
Triche
Vick
Willis
Zervigon

NAYS

Delegates—

Aertker
Alario
Anzalone
Asseff
Avant
Bollinger
Burns
Champagne
Corne
Cowen
D'Gerolamo
Drew
Elkins
Flory
Fontenot
Fowler
Fulco
Gauthier
Ginn
Total—55.

Grier
Hayes
Heine
Jack
Jenkins
Juneau
Kelly
Kilbourne
LeBleu
Leigh
Lennox
Lowe
McDaniel
Martin
Mauberret
Miller
Munson
Nunez
O'Neill
Ourso
Perkins
Planchard
Rayburn
Reeves
Riecke
Robinson
Singletary
Stinson
Thompson
Toca
Toomy
Velazquez
Warren
Weiss
Winchester
Wisham

ABSENT

Delegates—

Mr. Chairman
Armentor
Badeaux
Cannon
Edwards
Hardee
Haynes
Total—19.

Jackson, J.
Kilpatrick
Perez
Rachal
Roemer
Slay
Stagg
Taylor
Ullo
Vesich
Wall
Wornack

And the amendment having failed to receive the vote of a majority of the total membership required to adopt a Section to a Proposal, failed to pass.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, between lines 7 and 8, add the following:

"Section 19. Appointment of Commissioner of Elections

Section 19. After the general election for statewide elective offices in 1976, the office of state commissioner of elections shall cease to be elective and the legislature shall prescribe the qualifications and provide for the appointment. No action

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of the legislature pursuant hereto, shall reduce the term of the office of commissioner of elections."

Delegate Lowe moved the previous question on the amendment.

Delegate De Blieux objected.

By a vote of 61 yeas and 44 nays the previous question was ordered on the amendment.

Delegate Guarisco moved the adoption of the amendment.

Delegate Burns objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Silverberg
Aertker	Duval	Smith
Alexander	Fulco	Soniat
Arnette	Giarrusso	Stovall
Brien	Guarisco	Sutherland
Casey	Lanier	Tate
Conino	LeBreton	Thistlethwaite
Conroy	Leithman	Tobias
Corne	Lennox	Willis
De Blieux	Pugh	Wisham
Dennis	Schmitt	Zervigon
Derbes	Segura	
Total—35.		

NAYS

Delegates—		
Alario	Ginn	Nunez
Anzalone	Gravel	O'Neill
Asseff	Grier	Ourso
Avant	Hayes	Perkins
Bel	Heine	Planchard
Bergeron	Hernandez	Rayburn
Blair	Jack	Reeves
Bollinger	Jackson, A.	Riecke
Brown	Jenkins	Robinson
Burns	Juneau	Roy
Burson	Kean	Sandoz
Carmouche	Kelly	Shannon
Champagne	Kilbourne	Singletary
Chehardy	Lambert	Stephenson
Cowen	Landrum	Stinson
D'Gerolamo	Landry, A.	Tapper
Dennerly	Landry, E. J.	Thompson
Deshotels	LeBleu	Toca
Drew	Leigh	Toomy
Edwards	Lowe	Triche
Elkins	McDaniel	Velazquez
Fayard	Martin	Vick
Flory	Miller	Warren
Fontenot	Mire	Weiss
Fowler	Munson	Winchester
Gauthier	Newton	
Total—77.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Stagg
Armentor	Kilpatrick	Taylor
Badeaux	Maubertret	Uilo
Cannon	Perez	Vesich
Chatelain	Rachal	Wall
Hardee	Roemer	Wornack
Haynes	Slay	
Total—20.		

And the amendment having failed to receive a vote of a majority of the total membership required to adopt a Section to a Proposal, failed to pass.

Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Original Section 16, Amended to become Section 19. Declaration of Inability

Section 19. Whenever a statewide elective official transmits to the presiding officer of the Senate and the presiding officer of the House of Representatives a written declaration that he is unable to discharge the powers and duties of the office and until he transmits to them a written declaration to the contrary, the person succeeding to the office in the event of a vacancy shall assume the powers and duties of the office as acting official.

Read.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Drew, Rayburn and Leigh to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 8 through 16, both inclusive, in their entirety

Delegate Drew moved the adoption of the amendment.

Delegate Tapper objected.

By a vote of 48 yeas, 56 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 8, change "Section 16." to "Section 19."

AMENDMENT No. 2—

On page 9, line 9, change "Section 16." to "Section 19."

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 16, Amended to become Section 19, was read, as amended.

Delegate Abraham moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Conino	Gravel
Aertker	Conroy	Grier
Alexander	Corne	Guarisco
Anzalone	Cowen	Hayes
Arnette	D'Gerolamo	Hernandez
Asseff	Dennerly	Jack
Avant	Derbes	Jenkins
Bel	Deshotels	Kean
Bergeron	Dunlap	Kilbourne
Bollinger	Duval	Landrum
Brien	Elkins	Landry, A.
Brown	Flory	Landry, E. J.
Burson	Fontenot	Lanier
Carmouche	Fowler	Leithman
Casey	Fulco	Lennox
Champagne	Gauthier	Lowe
Chatelain	Giarrusso	Martin
Chehardy	Ginn	Maubertret

Miller	Roy	Thistlethwaite
Mire	Schmitt	Thompson
Munson	Segura	Tobias
Newton	Shannon	Toca
Nunez	Silverberg	Velazquez
O'Neill	Singletary	Vick
Perkins	Soniat	Warren
Pugh	Stinson	Weiss
Reeves	Stovall	Willis
Riecke	Sutherland	Wisham
Robinson	Tapper	Zervigon
Total—87.		

NAYS

Delegates—		
Alario	Juneau	Rayburn
Blair	Kelly	Stephenson
Burns	Lambert	Tate
De Blieux	LeBleu	Toomy
Drew	Leigh	Winchester
Fayard	McDaniel	
Jackson, A.	Planchar	
Total—19.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Smith
Armentor	Kilpatrick	Stagg
Badeaux	LeBreton	Taylor
Cannon	Ourso	Triche
Dennis	Perez	Uilo
Edwards	Rachal	Vesich
Hardee	Roemer	Wall
Haynes	Sandoz	Womack
Heine	Slay	
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Dennery moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Roy in the Chair

Motion

Delegate Fontenot moved for a suspension of the rules in order to reconsider the vote by which Section 1 and 3 of Proposal No. 4 was passed, but only insofar as the Sections pertain to the Commissioner of Elections.

As a substitute Delegate Kelly moved that the Convention continue in its Regular Order of Business.

The vote recurred on the substitute motion.

By a vote of 80 yeas and 20 nays the Convention continued in its Regular Order of Business.

Original Section 17, Amended to become Section 20. Determination of Inability

Section 20. (A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the legislature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to exercise the powers and perform the duties of his office. Thereafter the constitutional successor shall assume the office as acting official unless, within forty-eight hours after such filing in the office of the secretary of state, such official files in said office and transmits to said presiding officers his written counter-declaration that he is able to exercise such powers and perform such duties.

(B) The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two

hours declaring that probable justification for the determination that inability exists, such officer shall continue or resume in office.

(C) Should two-thirds of the elected members of each house so adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

(D) By preference and priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to said court under such rules as it may adopt.

(E) A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration, determine that no inability then exists, whereupon such officer shall immediately resume the powers and duties of his office.

Read.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Drew, Rayburn, Blair and Asseff to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9 strike out lines 18 through 32 in their entirety and on page 10 strike out lines 1 through 22 in their entirety and insert in lieu thereof the following:

"Section 20. The legislature shall provide by statute a procedure by which the inability or disability of any statewide elected official to discharge the powers and duties of his office shall be determined."

Delegate Drew moved the adoption of the amendment

Delegate Conroy objected.

By a vote of 46 yeas, 62 nays the amendment was rejected.

Delegate Conroy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tapper sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tapper to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 11, after the period "." add the following: "However, no action shall be taken by the legislature until after a report has been filed by a medical examination board composed of three physicians qualified to practice in the area of the alleged inability, one to be named by the official, or his representative, whose ability is in question, one to be named by the president of the Louisiana State Medical Society, and one to be named by the chief justice of the state supreme court."

Delegate Tapper moved the adoption of the amendment.

Delegate Willis objected.

By a vote of 26 yeas, 77 nays the amendment was rejected.

Delegate Willis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 17, change "Section 17." to "Section 20."

AMENDMENT No. 2—

On page 9, line 18, change "Section 17." to "Section 20."

On motion of Delegate Stagg the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 17, Amended to become Section 20, was read, as amended.

Delegate Dennery moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Gauthier	Robinson
Alario	Giarrusso	Roy
Alexander	Ginn	Sandoz
Arnette	Gravel	Schmitt
Asseff	Guarisco	Segura
Avant	Heine	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Singletary
Bollinger	Jackson, A.	Smith
Brien	Jenkins	Soniati
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Tobias
Corne	Leithman	Toca
Cowen	Lennox	Toomy
D'Gerolamo	Mauberret	Velazquez
De Blieux	Miller	Vick
Dennery	Mire	Warren
Derbes	Munson	Weiss
Dunlap	Newton	Willis
Duval	Nunez	Winchester
Fayard	Perkins	Wisham
Flory	Planchard	Zervigon
Fowler	Pugh	
Fulco	Riecke	

Total—82.

NAYS

Delegates—

Aertker	Elkins	McDaniel
Anzalone	Grier	O'Neill
Blair	Hayes	Rayburn
Brown	Kelly	Reeves
Burns	Kilbourne	Stephenson
Burson	Lambert	Tate
Champagne	LeBleu	Thompson
Dennis	Leigh	
Drew	Lowe	

Total—25.

ABSENT

Delegates—

Mr. Chairman	Deshotels	Haynes
Armentor	Edwards	Jackson, J.
Badeaux	Fontenot	Kilpatrick
Cannon	Hardee	LeBreton

Martin
Ourso
Perez
Rachal
Roemer

Slay
Stagg
Taylor
Triche
Ullo

Vesich
Wall
Womack

Total—25.

And the Chair declared that the above Section was passed.

Delegate Dennery moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Original Section 21, Amended to become Section 21. Absences

Section 21. In the event of a temporary absence of the governor from the state, the lieutenant governor shall act as governor. In the event of a temporary absence of a state-wide elected official from the state, the appointed first assistant shall act in his absence.

Read.

Delegate Tapper sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend Reprinted as Reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 23, change "Section 18." to "Section 21."

AMENDMENT No. 2—

On page 10, line 24, change "Section 18." to "Section 21."

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 17, amended to become Section 21, was read, as amended.

Delegate Tapper moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Derbes	Landry, E. J.
Aertker	Deshotels	Lanier
Alario	Drew	LeBleu
Alexander	Dunlap	Leigh
Anzalone	Duval	Leithman
Arnette	Elkins	Lennox
Asseff	Fayard	Lowe
Avant	Flory	McDaniel
Bel	Fowler	Mauberret
Bergeron	Fulco	Miller
Blair	Gauthier	Mire
Bollinger	Giarrusso	Munson
Brien	Ginn	Newton
Brown	Gravel	Nunez
Burns	Grier	O'Neill
Burson	Guarisco	Perkins
Carmouche	Hayes	Planchard
Casey	Heine	Pugh
Champagne	Hernandez	Rayburn
Chatelain	Jack	Reeves
Chehardy	Jackson, A.	Riecke
Conino	Jenkins	Robinson
Conroy	Juneau	Roy
Corne	Kean	Sandoz
Cowen	Kelly	Schmitt
D'Gerolamo	Kilbourne	Segura
De Blieux	Lambert	Shannon
Dennery	Landrum	Silverberg
Dennis	Landry, A.	Singletary

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Smith	Thistlethwaite	Warren
Soniat	Thompson	Weiss
Stephenson	Tobias	Willis
Stinson	Toca	Winchester
Sutherland	Toomy	Wisham
Tapper	Velazquez	Zervigon
Tate	Vick	

Total—107.

Total—0.

Delegates—
Mr. Chairman
Armentor
Badeaux
Cannon
Edwards
Fontenot
Hardee
Haynes
Jackson, J.
Total—25.

NAYS

ABSENT

Kilpatrick	Stovall
LeBreton	Taylor
Martin	Triche
Ourso	Ullo
Perez	Vesich
Rachal	Wall
Roemer	Womack
Slay	
Stagg	

And the Chair declared that the above Section was passed.

Delegate Tapper moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Original Section 19, Amended to become Section 22. Reorganization

Section 22. The governor may propose to the legislature, on or before the first day of any session, a plan of re-allocation of the functions, powers, duties, and responsibilities of all departments, offices, agencies, and other instrumentalities of the executive branch, except those functions, powers, duties, and responsibilities allocated by this constitution, among and within not more than twenty departments. The legislature, by a majority vote of the elected members of each house, may disapprove such plan, but may not substantively amend it.

Read.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Casey, Duval and Lanier to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 29 through 32, both inclusive in their entirety.

AMENDMENT No. 2—

On page 11, delete lines 1 through 6, both inclusive in their entirety.

AMENDMENT No. 3—

On page 10, line 29, add the following:

Section 22. Reorganization

Section 22. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch except those functions, powers, duties, and departments allocated by this constitution shall be as provided by statute."

Delegate Duval moved the adoption of the amendments.

Delegate Stovall objected.

By a vote of 66 yeas, 43 nays the amendments were adopted.

Delegate Duval moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 4, Original Section 19, Amended to become Section 22, was read, as amended.

Delegate Dennery moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Avant
Bel
Blair
Bollinger
Brien
Brown
Burns
Carmouche
Casey
Chatelain
Chehardy
Corne
Cowen
D'Gerolamo
Dennery
Dennis
Derbes
Deshotels
Drew
Duval
Edwards
Elkins
Fayard

Total—91.

Flory
Fowler
Fulco
Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Heine
Hernandez
Jack
Jackson, A.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Maubert
Miller
Mire

Munson
Nunez
O'Neill
Ourso
Perkins
Planchard
Pugh
Rayburn
Reeves
Robinson
Roy
Sandoz
Segura
Shannon
Silverberg
Smith
Soniat
Stephenson
Stinson
Stovall
Tapper
Thistlethwaite
Thompson
Toca
Vick
Warren
Winchester
Wisham
Zervigon

NAYS

Delegates—

Bergeron
Champagne
Conino
Conroy
De Blieux
Dunlap

Total—18.

Hayes
Landrum
Newton
Schmitt
Singletary
Sutherland

Tate
Tobias
Toomy
Velazquez
Weiss
Willis

ABSENT

Delegates—

Armentor
Badeaux
Burson
Cannon
Fontenot
Hardee
Haynes
Jackson, J.

Total—23.

Kilpatrick
LeBreton
Martin
Perez
Rachal
Riecke
Roemer
Slay

Stagg
Taylor
Triche
Ullo
Vesich
Wall
Womack

And the Chair declared that the above Section was passed.

Delegate Dennery moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Gravel moved to take up other orders of Business.

As a substitute Delegate O'Neill moved that the Convention continue in the Regular Order of Business.

The vote recurred on the substitute.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—		
Aertker	Fulco	Munson
Alexander	Gauthier	Nunez
Anzalone	Giarrusso	O'Neill
Arnette	Hayes	Perkins
Asseff	Hernandez	Planchard
Blair	Jack	Rayburn
Bollinger	Jackson, A.	Robinson
Burns	Jenkins	Sandoz
Casey	Juneau	Schmitt
Conino	Kean	Stephenson
Conroy	Kelly	Stinson
Corne	Kilbourne	Sutherland
Cowen	Landrum	Thompson
De Blieux	Landry, E. J.	Toca
Dennis	LeBleu	Velazquez
Derbes	Lennox	Warren
Deshotels	Lowe	Weiss
Dunlap	Mauberret	Willis
Duval	Miller	Wisham
Total—57.		

NAYS

Delegates—		
Abraham	Flory	Reeves
Alario	Fowler	Roy
Avant	Ginn	Segura
Bel	Gravel	Shannon
Bergeron	Grier	Silverberg
Brien	Guarisco	Singletary
Brown	Heine	Smith
Carmouche	Lambert	Soniat
Champagne	Landry, A.	Stovall
Chatelain	Lanier	Tapper
Chehardy	Leigh	Tate
D'Gerolamo	Leithman	Thistlethwaite
Dennery	McDaniel	Tobias
Drew	Mire	Toomy
Edwards	Newton	Vick
Elkins	Ourso	Winchester
Fayard	Pugh	Zervigon
Total—51.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Slay
Armentor	Kilpatrick	Stagg
Badeaux	LeBreton	Taylor
Burson	Martin	Triche
Cannon	Perez	Ullo
Fontenot	Rachal	Vesich
Hardee	Riecke	Wall
Haynes	Roemer	Womack
Total—24.		

And the Convention continued in the Regular Order of Business.

Original Sectoin 20. Impeachment

Section 23. (A) Any state and district official, whether elected or appointed, shall be liable to impeachment for commission or conviction of felonies or malfeasance during his term of office, or for gross misconduct.

(B) All impeachments shall be by the House of Representatives, and shall be tried by the Senate, whose members shall be upon oath or affirmation for that purpose, and a vote of two-thirds of the senators elected shall be necessary to convict. The Senate may sit for said purpose whether the House be in session or not, and may adjourn as it thinks proper. Conviction upon impeachment shall result in immediate removal from office and shall prohibit the official from holding any office under the government of this state or any of its political subdivisions. Nothing herein shall prevent any other action, prosecution, or punishment authorized by statute.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham, on behalf of the Committee on Executive Branch to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 7 through 22, both inclusive, in their entirety.

Delegate Abraham moved the adoption of the amendments.

By a vote of 97 yeas and 7 nays the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Gravel moved that the Convention take up other orders of Business.

As a substitute Delegate O'Neill moved that Convention continue in the Regular Order of Business.

The vote recurred on the substitute motion.

By a vote of 57 yeas and 49 nays the Convention continued in the Regular Order of Business.

Delegate Brien sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brien to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 23, add the following section:

"Section 23. Office of Consumer Protection; Director

Section 23. There shall be a State Office of Consumer Protection headed by a Director of Consumer Protection. The director may establish an office of consumer protection in each parish of the state. He shall represent consumer interests in hearings before any board, commission, department or agency of the state or any political subdivision thereof and shall exercise such other powers and duties as shall be fixed by law."

Delegate Brien moved the adoption of the amendment.

Delegate Anzalone objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Schmitt
Aertker	Gravel	Silverberg
Alario	Guarisco	Soniat
Alexander	Hayes	Stephenson
Asseff	Heine	Stovall
Brien	Lambert	Sutherland
Brown	Landrum	Tapper
Corne	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Lanier	Velazquez
Dennery	Miller	Vick
Dennis	Nunez	Warren
Derbes	O'Neill	Winchester
Fayard	Ourso	Wisham
Flory	Perkins	Zervigon
Gauthier	Reeves	
Total—47.		

NAYS

Delegates—		
Anzalone	Blair	Champagne
Arnette	Bollinger	Chatelain
Avant	Burns	Chehardy
Bel	Carmouche	Conino
Bergeron	Casey	Conroy

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Cowen	Kean	Robinson
Deshotels	Kelly	Roy
Drew	Kilbourne	Sandoz
Dunlap	LeBleu	Segura
Duval	Leigh	Shannon
Edwards	Leithman	Singletary
Elkins	Lennox	Smith
Fowler	Lowe	Stinson
Fulco	McDaniel	Thistlethwaite
Ginn	Mauberret	Thompson
Grier	Mire	Toca
Hernandez	Munson	Toomy
Jack	Newton	Weiss
Jackson, A.	Planchard	Willis
Jenkins	Pugh	
Juneau	Rayburn	
Total—61.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Slay
Armentor	Kilpatrick	Stagg
Badeaux	LeBreton	Taylor
Burson	Martin	Triche
Cannon	Perez	Uilo
Fontenot	Rachal	Vesich
Hardee	Riecke	Wall
Haynes	Roemer	Womack
Total—24.		

And the amendment having failed to receive a vote of a majority of the total membership, failed to pass.

Delegate Anzalone moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Arnette, Lambert, Fayard and Brown to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, on line 23 add the following:

"Section 23. Adjutant General

Section 23. An adjutant general shall be appointed by the governor by and with the advice and consent of the Senate from active or retired officers of the Louisiana National Guard who have had at least five years of federally recognized commissioned service therein and who are federally qualified for promotion to the rank of colonel or higher."

Delegate Arnette moved the adoption of the amendment.

Delegate Kean objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Arnette	Gravel	Mire
Asseff	Heine	Nunez
Bergeron	Hernandez	O'Neill
Bollinger	Kelly	Ourso
Brown	Lambert	Reeves
Chehardy	Landry, A.	Schmitt
D'Gerolamo	Lanier	Shannon
Deshotels	LeBleu	Tapper
Duval	Leithman	Thompson
Fayard	Lennox	Toca
Flory	McDaniel	Warren
Fulco	Mauberret	Winchester
Giarrusso	Miller	
Total—38.		

NAYS

Delegates—

Abraham	Edwards	Robinson
Aertker	Elkins	Roy
Alario	Fowler	Sandoz
Alexander	Gauthier	Segura
Anzalone	Ginn	Silverberg
Avant	Grier	Singletary
Bel	Guarisco	Smith
Blair	Hayes	Soniat
Brien	Jack	Stephenson
Burns	Jackson, A.	Stinson
Carmouche	Jenkins	Stovall
Casey	Juneau	Sutherland
Champagne	Kean	Tate
Chatelain	Kilbourne	Thistlewaite
Conino	Landrum	Tobias
Conroy	Landry, E. J.	Toomy
Corne	Leigh	Velazquez
Cowen	Lowe	Vick
De Blieux	Munson	Weiss
Dennery	Newton	Willis
Dennis	Perkins	Wisham
Derbes	Planchard	Zervigon
Drew	Pugh	
Dunlap	Rayburn	
Total—70.		

ABSENT

Delegates—		
Mr. Chairman	Jackson, J.	Slay
Armentor	Kilpatrick	Stagg
Badeaux	LeBreton	Taylor
Burson	Martin	Triche
Cannon	Perez	Uilo
Fontenot	Rachal	Vesich
Hardee	Riecke	Wall
Haynes	Roemer	Womack
Total—24.		

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham, on behalf of Committee on Executive Department to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 8 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Providing for the executive branch of government, for the declaration and determination of inability of statewide elective officers, and related matters."

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brien sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brien to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 23, add the following section:

"Section 23. Office of Consumer Protection Director

Section 23. There shall be a State Office of Consumer Protection headed by a Director of Consumer Protection. He shall represent consumer interests in hearings before any board, commission, department or agency of the state or any

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political subdivision thereof and shall exercise such other powers and duties as shall be fixed by law."

Delegate Brien moved the adoption of the amendment.

Delegate Abraham objected.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Giarrusso	Segura
Aertker	Ginn	Shannon
Alario	Gravel	Silverberg
Alexander	Grier	Singletary
Asseff	Guarisco	Soniat
Bergeron	Hayes	Stovall
Bollinger	Kelly	Sutherland
Brien	Lambert	Tapper
Brown	Landrum	Tobias
D'Gerolamo	Landry, A.	Toca
Corne	Landry, E. J.	Velazquez
De Blieux	Lanier	Vick
Dennery	Miller	Warren
Dennis	Nunez	Weiss
Derbes	Ourso	Winchester
Edwards	Perkins	Wisham
Fayard	Reeves	Zervigon
Flory	Schmitt	
Gauthier		
Total—53.		

NAYS

Delegates—	Elkins	Munson
Abraham	Fowler	Newton
Anzalone	Fulco	O'Neill
Arnette	Heine	Planchard
Avant	Hernandez	Pugh
Bel	Jack	Rayburn
Blair	Jackson, A.	Robinson
Burns	Jenkins	Roy
Carmouche	Juneau	Sandoz
Casey	Kean	Smith
Champagne	Kilbourne	Stephenson
Chatelain	LeBleu	Stinson
Chehardy	Leigh	Tate
Conino	Leithman	Thistlethwaite
Conroy	Lennox	Toomy
Cowen	Lowe	Willis
Deshotels	McDaniel	
Drew	Mauberet	
Dunlap		
Total—52.		

ABSENT

Delegates—	Jackson, J.	Slay
Mr. Chairman	Kilpatrick	Stagg
Armentor	LeBreton	Taylor
Badeaux	Martin	Thompson
Burson	Mire	Triche
Cannon	Perez	Ullo
Duval	Rachal	Vesich
Fontenot	Riecke	Wall
Hardee	Roemer	Womack
Haynes		
Total—27.		

And the amendment having failed to receive the vote of a majority of the total membership, failed to pass.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Newton moved that the Convention take up other orders of business at this time.

As a substitute Delegate O'Neill moved the Convention continue in the Regular Order of Business.

The vote recurred on the substitute motion.

By a vote of 52 yeas and 55 nays the Convention refused to continue in the Regular Order of Business.

Delegate Stinson moved to reconsider the vote by which the Convention refused to continue in the Regular Order of Business.

Delegate Newton objected.

By a vote of 56 yeas and 51 nays the vote by which the Convention refused to continue in the Regular Order of Business, was reconsidered.

Delegate O'Neill moved the previous question on the entire subject matter.

By a vote of 54 yeas and 52 nays the previous question was ordered on the entire subject matter.

Motion

Delegate Newton moved that the Convention adjourn to Wednesday, August 15, 1973 at 9:30 o'clock A. M.

As a substitute Delegate Weiss moved that the Convention adjourn to Saturday, August 10, 1973 at 9:30 o'clock A. M.

The vote recurred on the motion for the longest period of adjournment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Derbes	Sandoz
Abraham	Deshotels	Schmitt
Alexander	Dunlap	Segura
Avant	Flory	Silverberg
Bel	Gravel	Singletary
Brown	Guarisco	Stovall
Carmouche	Jackson, A.	Tapper
Casey	Jenkins	Tate
Chatelain	Landry, A.	Thistlethwaite
Chehardy	Leithman	Tobias
Conroy	Newton	Vick
D'Gerolamo	Pugh	Zervigon
Dennery	Roy	
Dennis		
Total—38.		

NAYS

Delegates—	Ginn	Ourso
Mr. Chairman	Grier	Perkins
Aertker	Hayes	Planchard
Alario	Heine	Rayburn
Anzalone	Hernandez	Reeves
Arnette	Jack	Robinson
Asseff	Juneau	Roemer
Bergeron	Kean	Shannon
Blair	Kelly	Smith
Bollinger	Kilbourne	Soniat
Brien	Lambert	Stagg
Burns	Landrum	Stephenson
Champagne	Landry, E. J.	Stinson
Conino	Lanier	Sutherland
Corne	LeBleu	Thompson
Cowen	Leigh	Toca
De Blieux	Lennox	Toomy
Drew	Lowe	Velazquez
Duval	McDaniel	Warren
Edwards	Mauberet	Weiss
Elkins	Miller	Willis
Fayard	Munson	Winchester
Fowler	Nunez	Wisham
Fulco	O'Neill	
Giarrusso		
Total—71.		

ABSENT

Delegates—	Cannon	Hardee
Armentor	Fontenot	Haynes
Badeaux	Gauthier	Jackson, J.
Burson		

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Kilpatrick	Rachal	Ullo
LeBreton	Riecke	Vesich
Martin	Slay	Wall
Mire	Taylor	Womack
Perez	Triche	

Total—23.

And the Convention refused to adjourn until Wednesday, August 15, at 9:30 o'clock A. M.

The vote then recurred on the motion to adjourn to Saturday, August 10, 1973 at 9:00 o'clock A. M.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Shannon
Asseff	Gravel	Silverberg
Bergeron	Guarisco	Singletary
Bollinger	Heine	Smith
Champagne	Jenkins	Soniat
Chatelain	Landrum	Stagg
Chehardy	Landry, A.	Stovall
Conroy	Lanier	Tapper
D'Gerolamo	Leithman	Tate
De Blieux	Newton	Tobias
Dennery	Ourso	Toca
Dennis	Planchard	Toomy
Dunlap	Pugh	Vick
Duval	Schmitt	Warren
Edwards	Segura	Weiss

Total—45.

NAYS

Delegates—		
Mr. Chairman	Fowler	Miller
Aertker	Fulco	Munson
Alario	Giarrusso	Nunez
Alexander	Ginn	O'Neill
Anzalone	Grier	Perkins
Arnette	Hayes	Rayburn
Avant	Hernandez	Reeves
Bel	Jack	Robinson
Blair	Jackson, A.	Roemer
Brien	Juneau	Roy
Brown	Kean	Sandoz
Burns	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Lambert	Sutherland
Conino	Landry, E. J.	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	Leigh	Velazquez
Derbes	Lennox	Willis
Deshotels	Lowe	Winchester
Drew	Mauberret	Wisham
Elkins	McDaniel	Zervigon
Flory		

Total—64.

ABSENT

Delegates—		
Armentor	Jackson, J.	Slay
Badeaux	Kilpatrick	Taylor
Burson	LeBreton	Triche
Cannon	Martin	Ullo
Fontenot	Mire	Vesich
Gauthier	Perez	Wall
Hardee	Rachal	Womack
Haynes	Riecke	

Total—23.

And the Convention refused to adjourn until Saturday, August 10, 1973.

The Proposal was read.

Delegate Stagg moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Munson
Aertker	Grier	Nunez
Alario	Hayes	O'Neill
Anzalone	Heine	Perkins
Asseff	Jack	Planchard
Avant	Jenkins	Rayburn
Bel	Juneau	Reeves
Blair	Kean	Robinson
Burns	Kelly	Roemer
Casey	Kilbourne	Sandoz
Corne	Lambert	Shannon
Cowen	Landry, A.	Smith
Deshotels	Landry, E. J.	Stephenson
Drew	LeBleu	Stinson
Elkins	Leigh	Sutherland
Flory	Lennox	Thompson
Fowler	Lowe	Warren
Fulco	McDaniel	Weiss
Gauthier	Mauberret	Winchester
Giarrusso	Miller	

Total—59.

NAYS

Delegates—		
Abraham	Derbes	Silverberg
Alexander	Dunlap	Singletary
Arnette	Duval	Soniat
Bergeron	Edwards	Stagg
Bollinger	Fayard	Stovall
Brien	Gravel	Tapper
Brown	Guarisco	Tate
Carmouche	Hernandez	Thistlethwaite
Champagne	Jackson, A.	Tobias
Chatelain	Landrum	Toca
Chehardy	Lanier	Toomy
Conino	Leithman	Velazquez
Conroy	Newton	Vick
D'Gerolamo	Ourso	Willis
De Blieux	Pugh	Wisham
Dennery	Schmitt	Zervigon
Dennis	Segura	

Total—50.

ABSENT

Delegates—		
Armentor	Kilpatrick	Slay
Badeaux	LeBreton	Taylor
Burson	Martin	Triche
Cannon	Mire	Ullo
Fontenot	Perez	Vesich
Hardee	Rachal	Wall
Haynes	Riecke	Womack
Jackson, J.	Roy	

Total—23.

Failed to pass. Motion to reconsider pending.

Motion

On motion of Delegate Tobias, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 35—

Introduced by Delegate Tobias:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 36—

Introduced by Delegate Segura:

A RESOLUTION

To amend Rule No. 33 and Rule No. 36 of the Standing Rules of the Constitutional Convention and to allow proxy voting under certain conditions.

Read.

Lies over under the rules.

Motion

On motion of Delegate Newton, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers, duties, and functions.

Read.

Lies over under the rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

August 10, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolution having been finally adopted by the Convention have been properly enrolled in final form:

DELEGATE RESOLUTION No. 33—

By Delegate Leithman:

A RESOLUTION

To provide for the numbering sequence in Rule No. 66 of the Rules of Procedure

BE IT RESOLVED that Rule No. 66 of the Rules of Procedure of the Constitutional Convention are hereby amended and readopted as follows:

Rule No. 66. Order. The daily business of the Convention shall proceed as follows:

Morning Hour

1. Roll Call.
2. Prayer.
3. Pledge of Allegiance.
4. Reading and Adoption of Journal.
5. Petitions, Memorials, and Communications.
6. Introduction of Resolutions.
7. Report of Committees.
8. Proposals on Introduction and First Reading.
9. Resolutions on Second Reading and Referral.
10. Proposals on Second Reading and Referral.
11. Reports of Committees Lying Over.
12. Reconsideration.

Regular Order of the Day

1. Unfinished Business.
2. Special Order.
3. Resolutions on Third Reading and Final Passage.
4. Proposals on Third Reading and Final Passage.

DELEGATE RESOLUTION No. 27—

Introduced by Delegate Brown, Jr.:

A RESOLUTION

To extend greetings and commendations to the surviving

delegates of the Louisiana Constitutional Convention of 1921 and to request their assistance and advice in the work of this convention.

WHEREAS, the delegates to the Constitutional Convention of Louisiana of 1973 are now assembled to rewrite the basic law of the State of Louisiana; and

WHEREAS, the delegates and the citizens of Louisiana are deeply indebted to the redactors of the Louisiana Constitution of 1921 and are grateful to Almighty God for His blessings since the adoption of that constitution.

THEREFORE, BE IT RESOLVED that the Constitutional Convention of Louisiana of 1973 hereby extends its greetings and its high commendations to the following persons who rendered this state invaluable service as delegates to the Louisiana Constitutional Convention of 1921:

Honorable John Dale, Jr. of Vidalia
Honorable Richard A. Dowling of New Orleans
Honorable J. O. Fernandez of New Orleans
Honorable Sam H. Jones of Lake Charles
Honorable John H. Meaux of Creole
Honorable Wood H. Thompson of Monroe
Honorable Rene A. Viosca of New Orleans

BE IT FURTHER RESOLVED that Delegates Dale, Dowling, Fernandez, Jones, Meaux, Thompson, and Viosca are hereby respectfully urged and requested to lend their advice and assistance to the work of this convention.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted to each delegate of the Constitutional Convention of 1921 honored herein.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-Committee on Transitional Measures of Local and Parochial Government, sent up the following notice:

The Sub-Committee on Transitional Measures of Local and Parochial Government will meet on Wednesday, August 15, 1973, at 5:30 o'clock P. M. in Committee Room No. 4 and will consider the following agenda:

AGENDA

To consider the transposition of subject matter under the jurisdiction of the Local and Parochial Government Committee.

Respectfully submitted,

WALTER I. LANIER, JR.,
Chairman of the Sub-Committee on
Transitional Measures of Local and
Parochial Government Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Wednesday, August 15, 1973, at 6:00 o'clock P. M. in Committee Room 205 and will consider the following agenda:

AGENDA

1. To consider Committee Amendments to CP No. 16.
2. To hear the following witnesses:
Register of State Lands—Ellen Bryan Moore, Ory Poret
Department of Public Works—Daniel Cresap, Chief Engineer
3. Adoption of Final Committee Proposal

Respectfully submitted,

LOUIS JOSEPH LAMBERT, JR.,
Chairman of the Committee on Natural Resources

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The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, August 16, 1973, at 6:30 o'clock P. M. or immediately after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

Continuation of consideration of Committee Proposal 7; Delegate Proposals 8, 9 & 10.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, August 15, 1973, at adjournment in The Senate Lounge and will consider the following agenda:

AGENDA

Consider Committee Proposal No. 3.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

CANCELLATION OF COMMITTEE MEETING

Delegate Alphonse Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections meeting previously announced for August 14, 1973, is hereby cancelled

Respectfully submitted,

ALPHONSE JACKSON,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stagg the rules were suspended in order to allow him to call a meeting of the Committee on Executive Department without giving the required 24 hour notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Saturday, August 11, 1973, at 9:00 o'clock A. M. in Committee Room 1 and will consider the following agenda:

AGENDA

To consider further possible amendments to Committee Proposal No. 4.

Respectfully submitted,

Mr. TOM STAGG
Chairman of the Committee on the Executive Dept.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Ullo 1—day.
Delegate Vesich 1—day.
Delegate Slay 1—day.
Delegate Roemer 1/2—day.
Delegate Stagg 1/2—day.

Adjournment

Delegate Bergeron moved that the Convention adjourn to Saturday, August 10, 1973 at 8:30 o'clock A. M.

As a substitute Delegate Juneau moved that the Convention adjourn to Saturday, August 10, 1973 at 9:00 o'clock A.M.

The vote recurred on the longest period of adjournment.

By a vote of 51 yeas and 53 nays the Convention refused to adjourn to Saturday, August 10, 1973 at 9:00 o'clock A.M.

As a further substitute Delegate Lennox moved that the Convention adjourn to Wednesday, August 15, 1973 at 9:00 o'clock A. M.

The vote recurred on the substitute motion of Delegate Lennox.

By a vote 62 yeas and 43 nays the Convention adjourned to Wednesday, August 15, 1973 at 9:00 o'clock A. M.

And Chairman Henry declared the Convention adjourned to Wednesday, August 15, 1973 at 9:00 o'clock A. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

THIRTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, August 15, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Planchard
Abraham	Fulco	Rachal
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Alexander	Ginn	Robinson
Anzalone	Gravel	Roemer
Arnette	Grier	Roy
Asseff	Guarisco	Sandoz
Avant	Hardee	Schmitt
Badeaux	Hayes	Shannon
Bel	Haynes	Singletary
Bergeron	Heine	Slay
Blair	Hernandez	Smith
Bollinger	Jack	Soniat
Brien	Jackson, A.	Stagg
Brown	Jackson, J.	Stephenson
Burns	Juneau	Stinson
Burson	Kean	Stovall
Carmouche	Kelly	Sutherland
Casey	Kilbourne	Tapper
Champagne	Kilpatrick	Tate
Chatelain	Lambert	Taylor
Chehardy	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
De Blieux	Leithman	Ullo
D'Gerolamo	Lennox	Velazquez
Dennery	Lowe	Vesich
Dennis	McDaniel	Vick
Deshotels	Martin	Wall
Derbes	Miller	Warren
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Nunez	Winchester
Elkins	O'Neill	Wisham
Fayard	Ourso	Womack
Flory	Perez	Zervigon
Fontenot	Perkins	
Total—119.		

ABSENT

Delegates—		
Armentor	Leigh	Segura
Cannon	Mauberret	Silverberg
Edwards	Newton	Triche
Jenkins	Pugh	
LeBreton	Riecke	
Total—13.		

The Chairman announced that there were 119 members
present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Conino led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Mr. Tobias, the reading of the Journal was
dispensed with.

On motion of Mr. Tobias, the Journal of yesterday was
adopted.

Morning Hour

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications
were received and read:

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

August 14, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana
Dear Mr. Martin:

Please issue commission to the following:

Paula S. Kilpatrick, Route 4, Box 8, Ruston, 71270, as Dele-
gate to the Constitutional Convention of 1973 (District 12),
vice Kenneth Dale Kilpatrick, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

Oath of Office

Miss Paula S. Kilpatrick appeared before the bar of the
Convention and took the following oaths of office admin-
istered by Hon. David R. Poynter, Clerk of the House of
Representatives and Chief Clerk of the Constitutional Con-
vention:

"I hereby solemnly swear that I will support the constitu-
tion and laws of the United States; that I will well and
faithfully perform all duties as a member of the convention,
and that I will observe and obey the limitation of authority
contained in the Act under which this conventio has assem-
bled. So help me God."

* * *

"(I (Paula S. Kilpatrick) do solemnly swear that I will sup-
port the Constitution and laws of the United States and the
Constitution and laws of this State; and I will faithfully
and impartially discharge and perform all the duties incum-
bent upon me as a delegate to the Constitution Conven-
tion, according to the best of my ability and understanding.
So help me God."

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolutions
on second reading to be referred to Committees were taken
up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 35—

Introduced by Delegate Tobias:

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention

Read.

Under the rules the above resolution was referred to the
Committee on Rules, Credentials and Ethics.

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DELEGATE RESOLUTION No. 36—

Introduced by Delegate Segura:

A RESOLUTION

To amend Rule No. 33 and Rule No. 36 of the Standing Rules of the Constitutional Convention and to allow proxy voting under certain conditions.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 25—

Introduced by Delegate Asseff:

A PROPOSAL

To prohibit favoritism in the law towards women.

Read.

The Chair ruled that under the rules the proposal should be referred to the Committee on Bill of Rights and Elections.

Delegate Womack objected and moved that the proposal be otherwise referred to the Committee on Natural Resources.

By a vote of 41 yeas and 65 nays the Convention refused to refer the proposal to the Committee on Natural Resources.

Under the rules the proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers, duties, and functions.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Dept.

Reconsideration

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg Chairman, on behalf of the Committee on Executive Department.

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Delegate Stagg moved to reconsider the vote by which the above proposal failed to pass on yesterday.

Delegate Schmitt objected.

By a vote of 104 yeas and 5 nays the vote by which the above proposal failed to pass on yesterday was reconsidered.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Suspension of the Rules

On motion of Delegate Dennis the rules were suspended in order to take Committee Proposal No. 21 out of its Regular Order, at this time.

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government

Read.

Delegate Dennis sent up floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 13, delete the words "JUDICIARY DEPARTMENT" and insert in lieu thereof "JUDICIAL BRANCH"

On motion of Delegate Dennis the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 1. Judicial Power

Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this constitution.

Read.

Passage

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman

Abraham

Aertker

Alario

Alexander

Anzalone

Arnette

Asseff

Badeaux

Bel

Bergeron

Blair

Bollinger

Brien

Brown

Burns

Burson

Carmouche

Casey

Champagne

Chatelain

Chehardy

Conino

Conroy

Corne

Cowen

D'Gerolamo

De Blieux

Dennery

Dennis

Derbes

Deshotels

Drew

Dunlap

Duval

Elkins

Fayard

Flory

Fontenot

Fowler

Fulco

Gauthier

Giarrusso

Ginn

Gravel

Grier

Hardee

Hayes

Haynes

Heine

Hernandez

Jack

Jackson, A.

Juneau

Kean

Kelly

Kilbourne

Kilpatrick

Landrum

Landry, A.

Landry, E. J.

Lanier

Leithman

Lennox

Lowe

McDaniel

Martin

Miller

Nunez

O'Neill

Ourso

Perez

Perkins

Rachal

Rayburn

Reeves

Robinson

Roemer

Roy

Sandoz

Schmitt

Shannon

Singletary

Slay

Smith

Soniat

Stagg

Stephenson

Stovall

Sutherland

Tapper

Tate

Taylor

Thistlethwaite

Thompson

Toca

Toomy

Ullio

Velazquez

Vick

Wall

Willis

Wisham

Womack

Zervigon

Total—105.

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NAYS		
Delegates—		
Guarisco	Tobias	
Total—2.		
ABSENT		
Delegates—		
Armentor	Leigh	Silverberg
Avant	Mauberet	Stinson
Cannon	Mire	Triche
Edwards	Munson	Vesich
Jackson, J.	Newton	Warren
Jenkins	Planchard	Weiss
Lambert	Pugh	Winchester
LeBleu	Riecke	
LeBreton	Segura	
Total—25.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Habeas Corpus, Needful Writs, Orders and Process.

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Read.

Passage

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Flory	Ourso
Abraham	Fontenot	Perez
Aertker	Fowler	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Rachal
Anzalone	Giarrusso	Rayburn
Arnette	Ginn	Reeves
Asseff	Gravel	Robinson
Badeaux	Grier	Roemer
Bel	Guarisco	Roy
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Shannon
Brien	Heine	Singletary
Brown	Hernandez	Slay
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Taylor
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leithman	Toca
Dennery	Lennox	Toomy
Dennis	Lowe	Uilo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vick
Drew	Miller	Wall
Dunlap	Mire	Willis
Duval	Munson	Wisham
Elkins	Nunez	Womack
Fayard	O'Neill	Zervigon
Total—111.		

Total—0. NAYS

ABSENT

Delegates—		
Armentor	LeBreton	Silverberg
Avant	Leigh	Stinson
Cannon	Mauberet	Triche
Edwards	Newton	Vesich
Jackson, J.	Pugh	Warren
Jenkins	Riecke	Weiss
Lambert	Segura	Winchester
Total—21.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a judge of the supreme court shall be fourteen years.

Read.

Delegate Lanier sent up floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Alario, Reeves and Deshotel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, immediately after the word "be" and before the word "years" delete "fourteen" and insert in lieu thereof "ten"

Delegate Lanier moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Fontenot	Rayburn
Aertker	Fowler	Reeves
Alario	Fulco	Roemer
Alexander	Ginn	Roy
Anzalone	Guarisco	Shannon
Asseff	Hayes	Singletary
Badeaux	Haynes	Smith
Blair	Kilpatrick	Soniat
Bollinger	Landrum	Stephenson
Brien	Landry, A.	Tapper
Brown	Lanier	Taylor
Champagne	LeBleu	Thistlethwaite
Chatelain	Leithman	Thompson
Conroy	Lowe	Toca
Deshotels	McDaniel	Uilo
Dunlap	Munson	Wall
Duval	Nunez	Weiss
Elkins	O'Neill	Wisham
Fayard	Ourso	Womack
Flory	Perkins	
Total—59.		

NAYS

Delegates—		
Abraham	Carmouche	De Blieux
Arnette	Casey	Dennery
Bel	Conino	Dennis
Bergeron	Corne	Derbes
Burns	Cowen	Drew
Burson	D'Gerolamo	Gauthier

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Giarrusso	Landry, E. J.	Stovall
Gravel	Lennox	Sutherland
Grier	Martin	Tate
Hardee	Miller	Tobias
Hernandez	Perez	Toomy
Jack	Planchard	Velazquez
Jackson, A.	Rachal	Vick
Juneau	Robinson	Willis
Kean	Sandoz	Winchester
Kelly	Schmitt	Zervigon
Kilbourne	Stagg	
Lambert	Stinson	
Total—52.		

ABSENT

Delegates—	Jenkins	Riecke
Armentor	LeBreton	Segura
Avant	Leigh	Silverberg
Cannon	Mauberet	Slay
Chehardy	Mire	Triche
Edwards	Newton	Vesich
Heine	Pugh	Warren
Jackson, J.		
Total—21.		

And the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Kean objected to tabeling the motion to reconsider the vote by which the amendment was adopted.

By a vote of 56 yeas and 53 nays the motion to reconsider was tabled.

Passage

Committee Proposal No. 21, Section 3, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Rachal
Mr. Chairman	Fowler	Rayburn
Aertker	Fulco	Reeves
Alario	Ginn	Robinson
Alexander	Grier	Roemer
Anzalone	Guarisco	Roy
Arnette	Hayes	Sandoz
Asseff	Haynes	Shannon
Badeaux	Kilpatrick	Singletary
Bel	Lambert	Smith
Blair	Landrum	Soniat
Bollinger	Landry, A.	Stagg
Brien	Landry, E. J.	Stephenson
Brown	Lanier	Stovall
Burns	LeBleu	Tapper
Burson	Leithman	Taylor
Champagne	Lennox	Thistlethwaite
Chatelain	Lowe	Thompson
Conroy	McDaniel	Toca
D'Gerolamo	Martin	Ullo
Dennis	Munson	Wall
Deshotels	Nunez	Weiss
Dunlap	Ourso	Winchester
Duval	Perez	Wisham
Elkins	Perkins	Zervigon
Fayard	Planchard	
Flory		
Total—77.		

NAYS

Delegates—	Carmouche	Conino
Abraham	Casey	Corne
Bergeron		

Cowen	Hernandez	Stinson
De Blieux	Jack	Sutherland
Dennery	Jackson, A.	Tate
Derbes	Juneau	Tobias
Drew	Kean	Toomy
Gauthier	Kelly	Velazquez
Giarrusso	Kilbourne	Vick
Gravel	O'Neill	Willis
Hardee	Schmitt	
Total—32.		

ABSENT

Delegates—	LeBreton	Segura
Armentor	Leigh	Silverberg
Avant	Mauberet	Slay
Cannon	Miller	Triche
Chehardy	Mire	Vesich
Edwards	Newton	Warren
Heine	Pugh	Womack
Jackson, J.	Riecke	
Jenkins		
Total—23.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Supreme Court; Districts

Section 4. The state shall be divided into at least six supreme court districts, with at least one judge elected from each. The present districts and the number of judges assigned to each are retained, subject to change by a two-thirds vote of the elected members of each house of the legislature.

Read.

Delegate Alario sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Alario, Lanier and Duval, D'Gerolamo, Toomy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 1, immediately after the word "into" delete the words "at least six" and insert in lieu thereof the word "seven"

AMENDMENT No. 2—

On page 2, line 2, immediately after the word "with" and before the word "one" delete the words "at least"

AMENDMENT No. 3—

On page 2, line 3, immediately after the peroid "." delete the remainder of the line and delete lines 4, 5, and 6 in their entirety

Delegate Alario moved the adoption of the amendment.

Delegate Tate objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Duval	Planchard
Abraham	Guarisco	Rayburn
Alario	Hayes	Robinson
Blair	Juneau	Singletary
Bollinger	Landry, E. J.	Stephenson
Champagne	Lanier	Stovall
Chatelain	LeBleu	Toomy
Conroy	Leithman	Ullo
Corne	Ourso	Winchester
De Blieux		
Total—27.		

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NAYS

Delegates—		
Mr. Chairman	Fulco	Reeves
Aertker	Gauthier	Roemer
Alexander	Giarrusso	Roy
Anzalone	Ginn	Sandoz
Arnette	Gravel	Schmitt
Asseff	Grier	Shannon
Badeaux	Hardee	Slay
Bel	Haynes	Smith
Bergeron	Heine	Soniat
Brien	Hernandez	Stagg
Brown	Jack	Stinson
Burns	Jackson, A.	Sutherland
Burson	Kean	Tapper
Casey	Kelly	Tate
Chehardy	Kilbourne	Taylor
Conino	Kilpatrick	Thistlethwaite
Cowen	Landrum	Thompson
D'Gerolamo	Landry, A.	Tobias
Dennery	Lennox	Toca
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Miller	Wall
Drew	Mire	Warren
Dunlap	Nunez	Weiss
Elkins	O'Neill	Willis
Fayard	Perez	Wisham
Flory	Perkins	Womack
Fontenot	Rachal	Zervigon
Fowler		
Total—85.		

ABSENT

Delegates—		
Armentor	Lambert	Pugh
Avant	LeBreton	Riecke
Cannon	Leigh	Segura
Carmouche	Martin	Silverberg
Edwards	Mauberret	Triche
Jackson, J.	Munson	Vick
Jenkins	Newton	
Total—20.		

And the amendments were rejected.

Delegate Tate moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Tobias, Gauthier, Conino, Willis, Nunez, and Burson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, strike out lines 1 through 6 in their entirety and insert in lieu thereof the following:

"Section 4. (A) The state shall be divided into seven supreme court districts apportioned as equally as practicable by population according to each official decennial federal census. One judge shall be elected from each district.

(B) After January 1, 1975, and before January 1, 1976, the supreme court districts shall be reapportioned as equally as practicable by population in accordance with the 1970 official federal decennial census, into seven districts. Judges then serving terms to which elected shall be assigned, by vote of a majority of the supreme court justices, to a district for the remainder of the term to which then elected. Thereafter, a judge shall be domiciled in the district from which elected for at least one year prior to qualifying as a candidate for the position. However, at the first election for each office of supreme court judge following reapportionment, an elector may qualify as a candidate from any dis-

trict existing prior to reapportionment if he was domiciled in that prior district for at least one year preceding his qualification.

(C) Subsequent decennial reapportionments of supreme court districts and the assignment of judges to the supreme court districts for the remainder of the terms to which elected, shall be made by a Board for Judicial Reapportionment composed of the presiding judge of the supreme court, who shall be the presiding judge of the board; the presiding judge of each circuit court of appeal; the speaker of the House of Representatives; and the presiding officer of the Senate."

Delegate Tobias moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Singletary
Aertker	Giarrusso	Soniat
Alario	Hayes	Stovall
Arnette	Haynes	Sutherland
Asseff	Juneau	Tapper
Bel	Landry, E. J.	Thompson
Brien	Lanier	Tobias
Burson	Leithman	Velazquez
Chatelain	Lowe	Vick
Conino	Miller	Warren
Conroy	Nunez	Weiss
Corne	Ourso	Willis
Derbes	Rachal	Winchester
Flory	Rayburn	Wisham
Fontenot	Robinson	Zervigon
Fulco	Schmitt	
Total—47.		

NAYS

Delegates—		
Mr. Chairman	Ginn	Perez
Alexander	Gravel	Perkins
Anzalone	Grier	Planchard
Badeaux	Guarisco	Reeves
Bergeron	Hardee	Roemer
Blair	Heine	Roy
Bollinger	Hernandez	Sandoz
Brown	Jack	Shannon
Burns	Jackson, A.	Slay
Casey	Kean	Smith
Champagne	Kelly	Stagg
Chehardy	Kilbourne	Stephenson
Cowen	Kilpatrick	Stinson
D'Gerolamo	Lambert	Tate
De Blieux	Landrum	Taylor
Dennis	Landry, A.	Thistlethwaite
Deshotels	LeBleu	Toca
Drew	Lennox	Toomy
Dunlap	McDaniel	Ullo
Duval	Martin	Vesich
Elkins	Mire	Wall
Fayard	Munson	
Fowler	O'Neill	
Total—67.		

ABSENT

Delegates—		
Armentor	Jackson, J.	Pugh
Avant	Jenkins	Riecke
Cannon	LeBreton	Segura
Carmouche	Leigh	Silverberg
Dennery	Mauberret	Triche
Edwards	Newton	Womack
Total—18.		

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gauthier sent up floor amendment, which was read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegate Gauthier to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 6, at the end of the line add the following: "After January 1, 1975, the legislature, by a majority vote of the elected members of each house shall divide the first supreme court district into two districts with one judge to be elected from each district."

Delegate Gauthier moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Fontenot	Planchard
Alario	Fowler	Roemer
Anzalone	Fulco	Roy
Asseff	Gauthier	Singletary
Badeaux	Hayes	Stephenson
Bergeron	Heine	Stovall
Chatelain	Jackson, J.	Tapper
Conino	Juneau	Taylor
Conroy	Lanier	Tobias
Corne	LeBleu	Toomy
D'Gerolamo	Leithman	Ullo
De Blieux	Lowe	Warren
Deshotels	Miller	Willis
Dunlap	Nunez	Winchester
Elkins	O'Neill	Wisham
Fayard	Ourso	Zervigon
Flory	Perkins	
Total—50.		

NAYS

Delegates—

Mr. Chairman	Ginn	Reeves
Abraham	Gravel	Robinson
Alexander	Grier	Sandoz
Arnette	Guarisco	Schmitt
Bel	Haynes	Shannon
Blair	Hernandez	Slay
Bollinger	Jack	Smith
Brien	Jackson, A.	Soniat
Brown	Kean	Stagg
Burns	Kilbourne	Stinson
Burson	Kilpatrick	Sutherland
Casey	Landrum	Tate
Champagne	Landry, A.	Thistlethwaite
Chehardy	Landry, E. J.	Thompson
Cowen	Lennox	Toca
Dennery	McDaniel	Velazquez
Denins	Martin	Vesich
Derbes	Mire	Vick
Drew	Perez	Wall
Duval	Rachal	Weiss
Giarrusso	Rayburn	Womack
Total—63.		

ABSENT

Delegates—

Armentor	Kelly	Pugh
Avant	Lambert	Riecke
Cannon	LeBreton	Segura
Carmouche	Leigh	Silverberg
Edwards	Mauberrret	Triche
Hardee	Munson	
Jenkins	Newton	
Total—19.		

And the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 4, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Fowler	Planchard
Abraham	Fulco	Rayburn
Aertker	Gauthier	Reeves
Alexander	Giarrusso	Robinson
Anzalone	Ginn	Roemer
Arnette	Gravel	Roy
Asseff	Grier	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Shannon
Bergeron	Heine	Singletary
Blair	Hernandez	Slay
Bollinger	Jack	Smith
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stagg
Burns	Juneau	Stephenson
Burson	Kean	Stinson
Casey	Kelly	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Conino	Landry, A.	Thistlethwaite
Cowen	Landry, E. J.	Thompson
D'Gerolamo	Lanier	Toca
De Blieux	LeBleu	Ullo
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Martin	Wall
Drew	Mire	Warren
Dunlap	Nunez	Weiss
Duval	O'Neill	Willis
Elkins	Ourso	Winchester
Fayard	Perez	Womack
Flory	Perkins	Zervigon
Fontenot		
Total—103.		

NAYS

Delegates—

Alario	Leithman	Tobias
Conroy	Miller	Toomy
Guarisco	Taylor	Wisham
Total—9.		

ABSENT

Delegates—

Armentor	Jenkins	Pugh
Avant	Landrum	Rachal
Cannon	LeBreton	Riecke
Carmouche	Leigh	Segura
Corne	Mauberrret	Silverberg
Edwards	Munson	Triche
Hardee	Newton	
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law. It may assign a sitting or retired judge to any court.

(B) The supreme court has exclusive original jurisdiction of disciplinary proceedings against members of the bar.

(C) Except as otherwise provided in this constitution, the

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supreme court's jurisdiction in civil cases extends to both the law and the facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) In addition to appeals provided for elsewhere in this constitution, the following cases shall be appealable to the supreme court:

(1) A case in which a law or ordinance has been declared unconstitutional;

(2) A criminal case in which the death penalty or imprisonment at hard labor may be imposed or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed. In other criminal cases, an accused shall have a right of appeal or review, as provided by law or by rule of the supreme court not inconsistent therewith.

(E) Subject to the provisions of Subsection (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

Read.

Delegate Conino sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conino, Toomy, Gauthier, Leithman, Alario, and Perez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 11, after the period "." delete the remainder of the line and delete lines 12 and 13 in their entirety and insert in lieu thereof the following:

"It may assign a sitting or retired judge to any court with his consent and with the consent of a majority of the members of the court in which the judge is assigned."

Delegate Conino moved the adoption of the amendment.

Delegate Tate objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fulco	Ourso
Anzalone	Gauthier	Perez
Asseff	Heine	Perkins
Brien	Kilbourne	Reeves
Conino	Leithman	Schmitt
Fayard	Nunez	Stephenson
Fowler	O'Neill	Toomy
Total—21.		

NAYS

Delegates—		
Mr. Chairman	Conroy	Grier
Abraham	Corne	Guarisco
Aertker	Cowen	Hardee
Alexander	D'Gerolamo	Hayes
Arnette	De Blieux	Haynes
Avant	Dennery	Hernandez
Badeaux	Dennis	Jack
Bel	Derbes	Jackson, A.
Bergeron	Deshotels	Jackson, J.
Blair	Drew	Juneau
Bollinger	Dunlap	Kean
Brown	Duval	Kelly
Burns	Elkins	Kilpatrick
Burson	Flory	Lambert
Casey	Fontenot	Landrum
Champagne	Giarrusso	Landry, A.
Chatelain	Ginn	Landry, E. J.
Chehardy	Gravel	Lanier

LeBleu	Singletary	Tobias
Lennox	Slay	Toca
Lowe	Smith	Ullo
McDaniel	Soniat	Velazquez
Miller	Stagg	Vesich
Mire	Stinson	Vick
Munson	Stovall	Wall
Plancahrd	Sutherland	Warren
Rachal	Tapper	Weiss
Rayburn	Tate	Willis
Robinson	Taylor	Winchester
Roemer	Thistlethwaite	Wisham
Roy	Thompson	Zervigon
Sandoz		

Total—94.

ABSENT

Delegates—		
Armentor	Leigh	Segura
Cannon	Martin	Shannon
Carmouche	Mauberet	Silverberg
Edwards	Newton	Triche
Jenkins	Pugh	Womack
LeBreton	Riecke	

Total—17.

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 17, after the word "civil" delete the remainder of the line and delete lines 18 and 19 in their entirety and insert in lieu thereof the following:

"and criminal cases extends only to questions of law."

Delegate Roy moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
De Blieux	Guarisco	Schmitt
Dunlap	Haynes	Slay
Fayard	Jackson, A.	Soniat
Flory	Lambert	Tapper
Fulco	LeBleu	Vesich
Gravel	Roy	Vick
Total—18.		

NAYS

Delegates—		
Abraham	Champagne	Giarrusso
Aertker	Chatelain	Ginn
Alario	Chehardy	Grier
Alexander	Conino	Hardee
Anzalone	Conroy	Hayes
Arnette	Corne	Heine
Asseff	Cowen	Hernandez
Avant	D'Gerolamo	Jack
Badeaux	Dennery	Jackson, J.
Bel	Dennis	Juneau
Bergeron	Derbes	Kean
Blair	Deshotels	Kelly
Bollinger	Drew	Kilbourne
Brien	Duval	Kilpatrick
Brown	Elkins	Landrum
Burns	Fontenot	Landry, A.
Burson	Fowler	Landry, E. J.
Casey	Gauthier	Lanier

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Leithman	Rayburn	Thompson
Lennox	Reeves	Tobias
Lowe	Robinson	Toca
McDaniel	Roemer	Toomy
Miller	Sandoz	Ullo
Mire	Singletary	Velazquez
Munson	Smith	Wall
Nunez	Stagg	Warren
O'Neill	Stephenson	Weiss
Ourso	Stinson	Willis
Perez	Stovall	Winchester
Perkins	Sutherland	Wisham
Planchard	Tate	Womack
Rachal	Thistlethwaite	Zervigon
Total—96.		

ABSENT

Delegates—		
Mr. Chairman	LeBreton	Riecke
Armentor	Leigh	Segura
Cannon	Martin	Shannon
Carmouche	Mauberrert	Silverberg
Edwards	Newton	Taylor
Jenkins	Pugh	Triche
Total—18.		

And the amendment was rejected.

Delegate Lanier moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conino, Toomy, Gauthier, Leithman, Alario and Perez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 12, after the period "." delete the remainder of the line and delete line 13 in its entirety and insert in lieu thereof the following:

"It may assign a sitting or retired judge to any court with his consent and with the consent of a majority of the members of the court in which the judge is assigned."

Delegate Toomy moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fowler	Perkins
Alexander	Fulco	Roy
Anzalone	Gauthier	Schmitt
Bel	Jackson, J.	Stephenson
Conino	Kilbourne	Tapper
Cowen	Nunez	Toomy
Dunlap	O'Neill	Ullo
Fayard	Perez	Wisham
Flory		
Total—25.		

NAYS

Delegates—		
Mr. Chairman	Badeaux	Burns
Abraham	Bergeron	Burson
Aertker	Blair	Casey
Arnette	Bollinger	Champagne
Asseff	Brien	Chatelain
Avant	Brown	Chehardy

Conroy	Jack	Sandoz
Corne	Jackson, A.	Singletary
D'Gerolamo	Juneau	Slay
De Blieux	Kean	Smith
Dennery	Kelly	Soniat
Dennis	Kilpatrick	Stagg
Derbes	Lambert	Stinson
Deshotels	Landry, A.	Sutherland
Drew	Landry, E. J.	Tate
Duval	Lanier	Thistlethwaite
Elkins	LeBleu	Thompson
Fontenot	Lennox	Tobias
Giarrusso	Lowe	Toca
Ginn	McDaniel	Velazquez
Gravel	Miller	Vesich
Grier	Mire	Vick
Guarisco	Munson	Wall
Hardee	Ourso	Warren
Hayes	Planchard	Weiss
Haynes	Rachal	Willis
Heine	Robinson	Winchester
Hernandez	Roemer	Zervigon
Total—84.		

ABSENT

Delegates—		
Armentor	Leithman	Segura
Cannon	Martin	Shannon
Carmouche	Mauberrert	Silverberg
Edwards	Newton	Stovall
Jenkins	Pugh	Taylor
Landrum	Rayburn	Triche
LeBreton	Reeves	Womack
Leigh	Riecke	
Total—23.		

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Weiss to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, after the word "which" and before the word "penalty" delete the words "the death" and insert in lieu thereof the words "a capital crime deterrent"

Delegate Weiss moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Landry, E. J.	Schmitt
Bollinger	Lanier	Weiss
Kean		
Total—7.		

NAYS

Delegates—		
Aertker	Brown	De Blieux
Alario	Burns	Dennery
Alexander	Burson	Dennis
Anzalone	Casey	Derbes
Arnette	Champagne	Deshotels
Asseff	Chatelain	Drew
Avant	Chehardy	Dunlap
Badeaux	Conino	Duval
Bel	Conroy	Elkins
Bergeron	Corne	Fayard
Blair	Cowen	Flory
Brien	D'Gerolamo	Fontenot

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Fowler	Leithman	Stagg
Fulco	Lennox	Stephenson
Gauthier	Lowe	Stinson
Giarrusso	McDaniel	Stovall
Ginn	Miller	Sutherland
Gravel	Mire	Tapper
Grier	Munson	Tate
Guarisco	Nunez	Thistlethwaite
Hardee	O'Neill	Thompson
Hayes	Ourso	Tobias
Haynes	Perez	Toca
Heine	Perkins	Toomy
Hernandez	Planchard	Ullo
Jack	Rachal	Velazquez
Jackson, A.	Reeves	Vesich
Jackson, J.	Robinson	Vick
Juneau	Roemer	Wall
Kelly	Roy	Warren
Kilbourne	Sandoz	Willis
Kilpatrick	Singletary	Winchester
Lambert	Slay	Wisham
Landry, A.	Smith	Womack
LeBleu	Soniati	Zervigon
Total—105.		

ABSENT

Delegates—	LeBreton	Riecke
Mr. Chairman	Leigh	Segura
Armentor	Martin	Shannon
Cannon	Mauberret	Silverberg
Carmouche	Newton	Taylor
Edwards	Pugh	Triche
Jenkins	Rayburn	
Landrum		
Total—20.		

And the amendment was rejected.

Delegate Duval moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Taylor sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Taylor, J. Jackson, Brown, Stovall, Guarisco, and Roy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, immediately after "(2)" delete the remainder of the line and on line 26 delete "prisonment at hard labor may be imposed" and insert in lieu thereof "Cases in which the defendant has been convicted of a felony"

Delegate J. Jackson moved the adoption of the amendment.

Delegate Womack objected.

By a vote of 53 yeas and 52 nays the amendment was adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tate sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tate to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 23, immediately after the word "law" and before the word "has" delete the words "or ordinance"

Delegate Tate moved the adoption of the amendment.

Delegate Tobias objected.

By a vote of 27 yeas, 82 nays the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 28, immediately after the period "." delete the remainder of the line and delete lines 29, 30, and 31 in their entirety

AMENDMENT No. 2—

On page 3, between lines 2 and 3 insert the following:

"(F) In all criminal cases not provided for in subsection (D) (2) of this Section an accused shall have a right of appeal or review, as provided by law."

Delegate Drew moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 60 yeas, 50 nays the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis, on behalf of the Committee on The Judiciary to Committee Proposal No. 21 by Delegate Dennis et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 32, immediately after the word "of" and before the letter "(C)" delete the word "Subsection" and insert in lieu thereof the word "Paragraph"

On motion of Delegate Dennis the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 5, was read. as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Brien	Derbes
Abraham	Brown	Deshotels
Abramham	Burson	Drew
Alario	Casey	Dunlap
Alexander	Champagne	Duval
Anzalone	Chatelain	Elkins
Arnette	Conino	Fayard
Asseff	Conroy	Flory
Avant	Corne	Fontenot
Badeaux	Cowen	Fowler
Bel	D'Gerolamo	Fulco
Bergeron	De Blieux	Gauthier
Blair	Dennery	Giarrusso
Bollinger	Dennis	Ginn

Gravel	Lowe	Stinson
Grier	McDaniel	Stovall
Guarisco	Miller	Sutherland
Hardee	Mire	Tapper
Hayes	Munson	Tate
Haynes	Nunez	Thistlethwaite
Heine	O'Neill	Thompson
Hernandez	Ourso	Tobias
Jack	Perez	Toca
Jackson, A.	Perkins	Toomy
Jackson, J.	Planchard	Ullo
Juneau	Rachal	Velazquez
Kean	Reeves	Vesich
Kelly	Robinson	Vick
Kilbourne	Roemer	Wall
Kilpatrick	Roy	Warren
Lambert	Sandoz	Weiss
Landrum	Schmitt	Willis
Landry, A.	Singletary	Winchester
Landry, E. J.	Slay	Wisham
Lanier	Smith	Womack
LeBleu	Soniat	Zervigon
Leithman	Stagg	
Lennox	Stephenson	

Total—112.

NAYS

Total—0.

ABSENT

Delegates—	LeBreton	Riecke
Armentor	Leigh	Segura
Burns	Martin	Shannon
Cannon	Mauberret	Silverberg
Carmouche	Newton	Taylor
Chehardy	Pugh	Triche
Edwards	Rayburn	
Jenkins		

Total—20.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Burson, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule to require committee action on any proposed new Section to a Committee Proposal.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to prohibit amendments in conflict with Sections previously adopted by the convention.

Read.

Lies over under the rules.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall, and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

Read.

Lies over under the rules.

Leave of Absence

Delegate Newton 1—day.

Delegate Segura 2—days.

Delegate Jenkins 1—day.

Delegate Pugh 1—day.

Adjournment

Delegate Reeves moved that the Convention do now adjourn until Thursday, August 16, 1973 at 9:00 o'clock A. M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, August 16, 1973 at 9:00 o'clock A. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

THIRTY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, August 16, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Planchard
Abraham	Giarrusso	Pugh
Aertker	Ginn	Rachal
Alario	Gravel	Rayburn
Alexander	Grier	Reeves
Anazalone	Guarisco	Riecke
Arnette	Hardee	Robinson
Asseff	Hayes	Roemer
Avant	Haynes	Roy
Badeaux	Heine	Sandoz
Bel	Hernandez	Schmitt
Bergeron	Jack	Segura
Blair	Jackson, A.	Shannon
Bollinger	Jackson, J.	Silverberg
Brien	Jenkins	Singletary
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Ullo
Dennis	Lowe	Velazquez
Deshotels	McDaniel	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Elkins	Munson	Weiss
Fayard	Newton	Willis
Flory	Nunez	Winchester
Fontenot	O'Neill	Wisham
Fowler	Perez	Womack
Fulco	Perkins	Zervigon
Total—123.		

ABSENT

Delegates—		
Armentor	Edwards	Slay
Cannon	Martin	Taylor
Derbes	Ourso	Triche
Total—9.		

The Chairman announced that there were 123 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Heine led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Conino, the reading of the Journal
was dispensed with.

On motion of Delegate Coino, the Journal of yesterday was
adopted.

Morning Hour

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolutions
on second reading to be referred to Committees were taken
up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention to add a new Rule to require committee action
on any proposed new Section to a Committee Proposal.

Read.

Under the Rules referred to the Committee on Rules, Cre-
dentials and Ethics.

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention to prohibit amendments in conflict with Sections
previously adopted by the convention.

Read.

Under the Rules referred to the Committee on Rules, Cre-
dentials and Ethics.

**Proposals on Second
Reading and Referral**

The following entitled Committee and Delegate Proposals
on second reading to be referred to committees were taken
up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates Abra-
ham, Alexander Anzalone, Arnette, Brien, Dennery, Duval,
Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana
Board of Ethics.

Read.

Under the Rules referred to the Committee on the Execu-
tive Department.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates Abra-
ham, Arnette, Brien, Dennery, Gravel, Stovall, and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state
and local government.

Read.

Under the Rules referred to the Committee on the Execu-
tive Department.

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

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Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government

Read.

The chairman announced that the Convention had under consideration the above proposal when it adjourned on yesterday, which was taken up and acted upon as follows:

Section 6. Supreme Court; the Chief Justice

Section 6. (A) When a vacancy in the office of chief justice occurs, the judge oldest in point of service on the court, below the age of sixty-five years, shall succeed to the office.

(B) The chief justice is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Read.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 6, after "court," and before the word "shall" delete the words "below the age of sixty-five years,"

Delegate Bollinger moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 66 yeas, 48 nays the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 4 through 7 both inclusive in their entirety and insert in lieu thereof the following:

"Section 6. (A) The supreme court shall elect from its members a chief justice."

Delegate Brown moved the adoption of the amendment.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Brown
Burson
Champagne
Chatelain
Conino
D'Gerolamo
Dennis
Dunlap
Fayard
Fontenot
Fulco
Gauthier
Ginn
Gravel
Total—44.

Grier
Hernandez
Jack
Jackson, A.
Jackson, J.
Juneau
Kelly
Kilpatrick
Lambert
Landrum
Newton
Pugh
Rachal
Reeves
Roemer
Roy
Schmitt
Shannon
Singletary
Smith
Soniati
Stagg
Stephenson
Stovall
Thompson
Velazquez
Vick
Wall
Zervigon

NAYS

Delegates—
Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Bollinger
Brien
Burns
Carmouche
Casey
Chehardy
Conroy
Corne
Cowen
De Blieux
Dennery
Deshotels
Total—71.

Drew
Duval
Elkins
Flory
Fowler
Giarrusso
Guarisco
Hardee
Hayes
Heine
Kean
Kilbourne
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Maubertret
Miller
Nunez
O'Neill
Perez
Perkins
Planchard
Rayburn
Riecke
Sandoz
Silverberg
Stinson
Sutherland
Tapper
Thistlethwaite
Tobias
Toca
Toomy
Ullo
Vesich
Warren
Weiss
Willis
Winchester
Wisham
Womack

ABSENT

Delegates—
Armentor
Cannon
Derbes
Edwards
Haynes
Jenkins
Total—17.

LeBreton
Martin
Mire
Munson
Ourso
Robinson
Segura
Slay
Tate
Taylor
Triche

And the amendment was rejected.

Delegate Bollinger moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Landry, Lanier, Toomy, Alario, Leithman and Conino to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 9, immediately after the word "the" and before the words "of the" delete the words "judicial system" and insert in lieu thereof "supreme court"

Delegate A. Landry moved the adoption of the amendment.

Delegate Tate objected.

By a vote of 54 yeas, 60 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 6, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Rayburn
Abraham	Gauthier	Reeves
Aertker	Giarrusso	Riecke
Alexander	Ginn	Roemer
Arnette	Gravel	Roy
Asseff	Grier	Sandoz
Avant	Guarisco	Shannon
Badeaux	Hardee	Silverberg
Bel	Hayes	Singletary
Bergeron	Heine	Smith
Blair	Hernandez	Soniat
Brien	Jack	Stagg
Brown	Jackson, A.	Stephenson
Burns	Jackson, J.	Stinson
Burson	Juneau	Stovall
Carmouche	Kean	Sutherland
Casey	Kelly	Tapper
Champagne	Kilbourne	Tate
Chatelain	Kilpatrick	Thistlethwaite
Chehardy	Lambert	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	LeBleu	Ullo
Cowen	Leigh	Velazquez
D'Gerolamo	Leithman	Vesich
De Blieux	Lennox	Vick
Dennery	Lowe	Wall
Dennis	McDaniel	Warren
Deshotels	Mauberret	Weiss
Drew	Miller	Willis
Dunlap	Munson	Wisham
Elkins	Planchard	Womack
Flory	Pugh	Zervigon
Fontenot	Rachal	
Total—101.		

NAYS

Delegates—		
Alario	Fulco	O'Neill
Anzalone	Landrum	Perez
Bolligner	Landry, A.	Perkins
Duval	Newton	Schmitt
Fayard	Nunez	Toomy
Total—15.		

ABSENT

Delegates—		
Armentor	LeBreton	Slay
Cannon	Martin	Taylor
Derbes	Mire	Triche
Edwards	Ourso	Winchester
Haynes	Robinson	
Jenkins	Segura	
Total—16.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 7. Supreme Court; Judicial Administrator, Clerks and Staff

Section 7. The supreme court has authority to select a judicial administrator, its clerks, and other personnel, and prescribe their duties and compensation.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel, Rayburn and Blair to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 15, after the word "duties" and before the word "and" insert a period "." and delete the remainder of the line

Delegate Gravel moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 94 yeas, 21 nays the amendment was adopted.

Delegate Blair moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 7, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Pugh
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginn	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Roemer
Arnette	Guarisco	Roy
Asseff	Hardee	Sandoz
Avant	Hayes	Schmitt
Badeaux	Heine	Shannon
Bel	Hernandez	Silverberg
Bergeron	Jack	Singletary
Blair	Jackson, A.	Smith
Bollinger	Jackson, J.	Soniat
Brien	Juneau	Stagg
Brown	Kean	Stephenson
Burns	Kelly	Stinson
Burson	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Deshotels	Mauberret	Vick
Drew	Miller	Wall
Dunlap	Munson	Warren
Duval	Newton	Weiss
Elkins	Nunez	Willis
Fayard	O'Neill	Winchester
Flory	Perez	Wisham
Fontenot	Perkins	Womack
Fowler	Planchard	Zervigon
Total—114.		

NAYS

Delegates—
Champagne
Total—1.

ABSENT

Delegates—		
Armentor	Jenkins	Robinson
Cannon	Landrum	Segura
Dennis	LeBreton	Slay
Derbes	Martin	Taylor
Edwards	Mire	Triche
Haynes	Ourso	
Total—17.		

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And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Terms

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each circuit. Each court shall sit in panels of at least three judges selected according to rules adopted by the court. A majority of the judges sitting in a case must concur to render judgment. The term of a court of appeal judge shall be twelve years.

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Alario, Deshotels and Reeves to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 23, after the words "shall be" and before the word "years" delete the word "twelve" and insert in lieu thereof the word "ten"

Motion

Delegate Thompson moved the previous question on the amendment.

Delegate Weiss objected.

By a vote of 60 yeas and 47 nays the previous question was ordered.

Delegate Lanier moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Rachal
Abraham	Fowler	Rayburn
Alario	Fulco	Reeves
Alexander	Ginn	Riecke
Anzalone	Grier	Roemer
Arnette	Guarisco	Roy
Asseff	Hayes	Sandoz
Avant	Jackson, J.	Schmitt
Badeaux	Juneau	Silverberg
Blair	Kelly	Singletary
Bollinger	Kilpatrick	Smith
Brien	Lambert	Soniat
Brown	Landrum	Stagg
Burns	Landry, A.	Stephenson
Carmouche	Lanier	Stovall
Champagne	LeBleu	Thistlethwaite
Chatelain	Lennox	Thompson
Conroy	Lowe	Velazquez
Corne	McDaniel	Vick
Cowen	Mauberrret	Wall
Deshotels	Munson	Warren
Dunlap	Nunez	Weiss
Duval	O'Neill	Winchester
Elkins	Perez	Wisham
Fayard	Perkins	Womack
Flory	Planchard	Zervigon
Total—78.		

NAYS

Delegates—		
Bel	Hardee	Robinson
Bergeron	Heine	Segura
Burson	Hernandez	Stinson
Casey	Jack	Sutherland
Chehardy	Jackson, A.	Tapper
Conino	Kean	Tate
D'Gerolamo	Kilbourne	Tobias
De Blieux	Landry, E. J.	Toca
Dennery	LeBreton	Toomy
Dennis	Leigh	Ullo
Drew	Leithman	Vesich
Gauthier	Miller	Willis
Giarrusso	Newton	
Gravel	Pugh	
Total—40.		

ABSENT

Delegates—		
Aertker	Haynes	Shannon
Armentor	Jenkins	Slay
Cannon	Martin	Taylor
Derbes	Mire	Triche
Edwards	Ourso	
Total—14.		

And the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Tapper objected to tabling the motion to reconsider.

By a vote of 74 yeas and 41 nays the motion to reconsider was tabled.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Alario, Deshotels and Reeves to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 23, after the words "shall be" and before the word "years" delete the word "twelve" and insert in lieu thereof the word "eight" and strike out Floor Amendment No. 1 proposed by Delegate Alario and adopted by the Convention August 16, 1973.

Delegate Alario moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 14 yeas and 84 nays the amendment was rejected.

Delegate DeBlieux moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Duval, Burson, Roy, and Womack to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 22, after the word and punctuation "judgment." and before the word "The" insert the following: "However, when the judgment of the district court is to be modified or reversed, and one judge dissents, the case shall be reargued, before a panel of at least five judges, prior to rendition of judgment, and a majority must concur to render judgment."

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Delegate Roy moved the adoption of the amendment.

Delegate Tate objected.

By a vote of 66 yeas and 46 nays the amendment was adopted.

Delegate Roy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 22, after the word and punctuation "judgment," and before the word "The" insert the following:

"However, when the judgment of the district court is to be modified or reversed, and one judge dissents, the case shall be reargued, before a panel of at least five judges elected to the court, prior to rendition of judgment, and a majority of them must concur to render judgment."

AMENDMENT No. 2—

On page 3, line 22, strike out Floor Amendment No. 1 proposed by Delegate Lanier and adopted by the Convention on August 16, 1973.

Delegate Avant moved the adoption of the amendments.

Delegate Dennis objected.

By a vote of 7 yeas and 105 nays the amendments were rejected.

Delegate Dennis moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

Delete Floor Amendment No. 1 proposed by Delegate Lanier, et al., and adopted by the Convention on August 16, 1973

AMENDMENT No. 2—

On page 3, line 22, after the word and punctuation "judgment," and before the word "The" insert the following:

"However, when the judgment of the district court is modified or reversed, and one judge dissents, the court shall grant a rehearing, before the court en banc, if requested by either party."

Delegate Pugh moved the adoption of the amendments.

Delegate Dennery objected.

By a vote of 24 yeas and 90 nays the amendments were rejected.

Delegate Dennery moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 8, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Planchard
Abraham	Gravel	Pugh
Alario	Grier	Rachal
Alexander	Guarisco	Rayburn
Asseff	Hardee	Reeves
Avant	Hayes	Riecke
Badeaux	Heine	Robinson
Bel	Hernandez	Roemer
Bergeron	Jack	Roy
Blair	Jackson, A.	Schmitt
Bollinger	Jackson, J.	Segura
Brien	Jenkins	Silverberg
Brown	Kelly	Smith
Burns	Kilbourne	Soniat
Burson	Kilpatrick	Stagg
Champagne	Lambert	Stinson
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Toca
Dennis	LeBreton	Toomy
Deshotels	Leigh	Ullo
Drew	Leithman	Velazquez
Dunlap	Lennox	Vesich
Duval	McDaniel	Vick
Elkins	Maubertret	Warren
Fayard	Mire	Weiss
Flory	Munson	Willis
Fontenot	Newton	Winchester
Fowler	Nunez	Wisham
Fulco	O'Neill	
Gauthier	Perez	
Total—97.		

NAYS

Delegates—		
Anzalone	Giarrusso	Singletery
Arnette	Haynes	Stephenson
Casey	Juneau	Stovall
Conroy	Kean	Tate
Corne	Lowe	Tobias
De Blieux	Miller	Wall
Dennery	Perkins	Zervigon
Total—21.		

ABSENT

Delegates—		
Aertker	Edwards	Slay
Armentor	Martin	Taylor
Cannon	Ourso	Triche
Carmouche	Sandoz	Womack
Derbes	Shannon	
Total—14.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and to lay the motion to reconsider on the table.

Delegate Tobias objected to tabling the motion to reconsider.

By a vote 80 yeas and 15 nays the motion to reconsider was tabled.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. One or more judges may be elected at large from within the circuit. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.

Read.

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Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, at the end of line 26, delete the words "One or" and at the beginning of line 27, delete the words "more judges may" and insert in lieu thereof the following:
"After January 1, 1975, no judge shall"

Delegate Miller moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Gravel	Planchard
Alario	Grier	Pugh
Arnette	Guarisco	Rachal
Asseff	Hayes	Reeves
Badeaux	Haynes	Robinson
Blair	Jackson, J.	Roemer
Brien	Juneau	Roy
Brown	Kean	Schmitt
Burson	Landrum	Segura
Champagne	Landry, E. J.	Silverberg
Chatelain	Lanier	Singletary
Corne	LeBleu	Stephenson
Cowen	Leigh	Tapper
Dennery	Lennox	Thompson
Deshotels	McDaniel	Tobias
Dunlap	Miller	Ullo
Duval	Mire	Velazquez
Elkins	Newton	Wall
Fontenot	Nunez	Warren
Fulco	Perez	Willis
Giarrusso	Perkins	Wisham
Total—63.		

NAYS

Delegates—		
Anzalone	Hardee	Sandoz
Avant	Heine	Smith
Bel	Hernandez	Soniat
Bergeron	Jack	Stagg
Bollinger	Jackson, A.	Stinson
Burns	Jenkins	Stovall
Casey	Kelly	Sutherland
Chehardy	Kilbourne	Tate
Conino	Kilpatrick	Thistlethwaite
Conroy	Lambert	Toca
D'Gerolamo	Landry, A.	Toomy
De Blieux	Leithman	Vesich
Dennis	Lowe	Vick
Drew	Mauberet	Weiss
Fayard	Munson	Winchester
Flory	O'Neill	Zervigon
Gauthier	Rayburn	
Ginn	Riecke	
Total—52.		

ABSENT

Delegates—		
Mr. Chairman	Derbes	Shannon
Aertker	Edwards	Slay
Alexander	Fowler	Taylor
Armentor	LeBreton	Triche
Cannon	Martin	Womack
Carmouche	Ourso	
Total—17.		

And the amendment was adopted.

Delegate Miller moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Conino objected to tabling the motion to reconsider.

By a vote of 81 yeas and 33 nays the motion to reconsider was tabled.

Passage

Committee Proposal No. 21, Section 9, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chariman	Gauthier	Pugh
Abraham	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Guarisco	Robinson
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Badeaux	Haynes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Blair	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Singletary
Brien	Juneau	Smith
Brown	Kean	Soniat
Burns	Kelly	Stagg
Burson	Kilpatrick	Stephenson
Casey	Lambert	Stovall
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Ullo
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Deshotels	McDaniel	Vick
Drew	Mauberet	Wall
Dunlap	Miller	Warren
Duval	Mire	Weiss
Elkins	Munson	Willis
Fayard	Nunez	Winchester
Flory	Perez	Wisham
Fontenot	Perkins	Zervigon
Fulco	Planchard	
Total—110.		

NAYS

Delegates—		
Conroy	Kilbourne	Stinson
Jack	Newton	Sutherland
Jenkins	O'Neill	
Total—8.		

ABSENT

Delegates—		
Aertker	Edwards	Slay
Armentor	Fowler	Taylor
Cannon	Martin	Triche
Carmouche	Ourso	Womack
Derbes	Shannon	
Total—14.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. Courts of Appeal; Appellate and Supervisory

Section 10. (A) Except in those cases appealable to the supreme court and as otherwise provided in this constitu-

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tion, a court of appeal has appellate jurisdiction of all civil cases decided within its circuit. It has appellate jurisdiction of all matters appealed from the family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over all cases in which an appeal would lie to that court.

(B) Except as limited to questions of law by this constitution or as provided by law in the case of review of administrative agency determinations, its appellate jurisdiction extends to law and facts.

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins, Burson, Avant, Dennery and Guarisco to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 10 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

“(B) Except as limited to questions of law by this constitution, its appellate jurisdiction extends to law and facts.”

Delegate Jenkins moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 49 yeas and 58 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 13 and 14, add the following paragraph:

“(C) The legislature may provide for administrative agencies and authorize such agencies to make factual determinations which shall not be subject to review if supported by competent evidence following notice and hearing.”

Delegate Avant moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 10 yeas and 101 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 10, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Alario	Anzalone
Abraham	Alexander	Arnette

Asseff	Haynes
Avant	Heine
Badeaux	Hernandez
Bel	Jack
Bergeron	Jackson, A.
Bollinger	Jackson, J.
Brien	Jenkins
Brown	Juneau
Burns	Kean
Burson	Kelly
Casey	Kilbourne
Champagne	Kilpatrick
Chatelain	Landrum
Chehardy	Landry, A.
Conroy	Landry, E. J.
Corne	Lanier
Cowen	LeBleu
D'Gerolamo	LeBreton
De Blieux	Leigh
Dennery	Leithman
Dennis	Lennox
Deshotels	Lowe
Drew	McDaniel
Dunlap	Mauberret
Duval	Miller
Elkins	Mire
Flory	Munson
Fontenot	Newton
Fowler	Nunez
Fulco	O'Neill
Giarrusso	Perez
Ginn	Perkins
Gravel	Pugh
Grier	Rachal
Hardee	Rayburn
Hayes	Reeves
Total—113.	

NAYS

Delegate Guarisco
Total—1.

ABSENT

Delegates—		
Aertker	Derbes	Ourso
Armentor	Edwards	Planchard
Blair	Fayard	Shannon
Cannon	Gauthier	Slay
Carmouche	Lambert	Taylor
Conino	Martin	Triche
Total—18.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 11. Courts of Appeal; Certification to Supreme Court; Determination

Section 11. A court of appeal may certify any question of law before it to the supreme court, whereupon the supreme court may give its binding instruction, or consider and decide the case upon the whole record.

Read.

Passage

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bergeron	Conino
Abraham	Bollinger	Conroy
Alario	Brien	Corne
Alexander	Brown	Cowen
Anzalone	Burns	D'Gerolamo
Arnette	Burson	De Blieux
Asseff	Dennery	Dennis
Avant	Champagne	Deshotels
Badeaux	Chatelain	Drew
Bel	Chehardy	

Dunlap	Landry, E. J.	Silverberg
Duval	Lanier	Singletary
Elkins	LeBleu	Smith
Flory	LeBreton	Soniat
Fontenot	Leigh	Stagg
Fowler	Leithman	Stephenson
Fulco	Lennox	Stinson
Gauthier	Lowe	Stovall
Giarrusso	McDaniel	Sutherland
Ginn	Mauberret	Tapper
Gravel	Miller	Tate
Grier	Mire	Thistlethwaite
Guarisco	Munson	Thompson
Hardee	Newton	Tobias
Hayes	Nunez	Toca
Haynes	O'Neill	Toomy
Heine	Perez	Uilo
Hernandez	Perkins	Velazquez
Jack	Pugh	Vessich
Jackson, A.	Rachal	Vick
Jackson, J.	Rayburn	Wall
Jenkins	Reeves	Warren
Juneau	Riecke	Weiss
Kean	Robinson	Willis
Kelly	Roemer	Winchester
Kilbourne	Roy	Wisham
Kilpatrick	Sandoz	Womack
Landrum	Schmitt	Zervigon
Landry, A.	Segura	
Total—116.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Edwards	Shannon
Armentor	Fayard	Slay
Blair	Lambert	Taylor
Cannon	Lambert	Triche
Carmouche	Ourso	
Derbes	Planchard	
Total—16.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Miller in the Chair

Section 12. Courts of Appeal; Chief Judge; Duties

Section 12. When a vacancy in the office of chief judge of a court of appeal occurs, the judge oldest in point of service on the court, below the age of sixty-five years, shall succeed to the office and shall administer the court, subject to rules adopted by the court.

Read.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 23, immediately after the word "court" and before the word "shall" delete the following: "below the age of sixty-five years,"

On motion of Delegate Kean the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 24, after the word "office" insert a period "." and delete the remainder of the line and delete line 25 in its entirety.

Delegate Guarisco moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 12 yeas and 99 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 21, after the word "Section 12." and before the word "When" insert the following: "The presiding or senior judge of each of the circuit courts of appeal shall be the chief judge."

Delegate Pugh moved the adoption of the amendment.

Delegate Chatelain objected.

By a vote of 29 yeas and 77 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennis to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 21, after the words "Section 12." delete the remainder of the line and delete line 22 through 25 and insert in lieu thereof the following:

"There shall be a chief judge of each court of appeal who shall be the judge oldest in point of service on the court and who shall administer the court subject to rules adopted by the Court."

AMENDMENT No. 2—

Strike out Floor Amendment No. 1 proposed by Delegate Kean and adopted by the Convention on August 16, 1973.

On motion of Delegate Dennis the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 12, was read, as amended.

Delegate Dennis moved the passage of the Section.

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ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Ginn	Pugh
Alario	Gravel	Rachal
Alexander	Grier	Rayburn
Anzalone	Giarrusso	Reeves
Arnette	Hardee	Riecke
Asseff	Hayes	Robinson
Avant	Haynes	Roemer
Badeaux	Heine	Roy
Bel	Hernandez	Sandoz
Bergeron	Jack	Schmitt
Bollinger	Jackson, A.	Segura
Brien	Jackson, J.	Singletary
Brown	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	LeBreton	Toomy
De Blieux	Leigh	Ullio
Dennerly	Leithman	Velazquez
Dennis	Lennox	Vesich
Deshotels	Lowe	Vick
Drew	McDaniel	Wall
Dunlap	Mauberret	Warren
Duval	Miller	Weiss
Elkins	Mire	Willis
Fayard	Munson	Winchester
Flory	Newton	Wisham
Fontenot	Nunez	Womack
Fowler	O'Neill	Zervigon
Fulco	Perez	
Gauthier	Perkins	
Total—112.		

NAYS

Total—0.

ABSENT

Delegates—		
Mr. Chairman	Edwards	Silverberg
Aertker	Guarisco	Slay
Armentor	Kean	Smith
Blair	Martin	Taylor
Cannon	Ourso	Toca
Carmouche	Planchard	Triche
Derbes	Shannon	
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 13. Courts of Appeal; Clerks and Staff

Section 13. Each court of appeal has authority to select its clerk and other personnel and prescribe their duties and compensation.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

Floor Amendment

Amendment proposed by Delegate Gravel, Rayburn and Blair to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, immediately after the word "duties" insert a period "." and delete the remainder of the line and delete line 29 in its entirety

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 13, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Abraham	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Hardee	Robinson
Asseff	Hayes	Roemer
Avant	Haynes	Roy
Badeaux	Heine	Sandoz
Bel	Hernandez	Schmitt
Bergeron	Jack	Segura
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Smith
Brown	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennerly	Lennox	Ullio
Dennis	Lowe	Velazquez
Deshotels	McDaniel	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Elkins	Munson	Weiss
Fayard	Newton	Willis
Flory	Nunez	Winchester
Fontenot	O'Neill	Wisham
Fowler	Perkins	Womack
Fulco	Planchard	Zervigon
Gauthier	Pugh	
Total—113.		

NAYS

Total—0.

ABSENT

Delegates—		
Mr. Chairman	Edwards	Shannon
Aertker	Guarisco	Silverberg
Armentor	Kean	Slay
Blair	Lambert	Taylor
Cannon	Martin	Triche
Carmouche	Ourso	
Derbes	Perez	
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 14. District Courts; Judicial Districts

Section 14. The state shall be divided into judicial districts, each composed of one or more parishes and served by one or more district judges.

Read.

Passage

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	Pugh
Alario	Ginn	Rachal
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Arnette	Guarisco	Riecke
Asseff	Hardee	Robinson
Avant	Haynes	Roemer
Badeaux	Heine	Roy
Bel	Hernadnez	Sandoz
Bergeron	Jack	Segura
Bollinger	Jackson, A.	Singletary
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kelly	Stagg
Burson	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Thompson
D'Gerolamo	LeBreton	Tobias
De Blieux	Leigh	Toca
Dennery	Leithman	Toomy
Dennis	Lennox	Ullo
Deshotels	Lowe	Vesich
Drew	McDaniel	Vick
Dunlap	Maubertret	Wall
Duval	Miller	Warren
Elkins	Mire	Weiss
Fayard	Munson	Willis
Flory	Newton	Winchester
Fontenot	Nunez	Wisham
Fowler	O'Neill	Womack
Fulco	Perez	Zervigon
Gauthier	Perkins	
Total—110.		

NAYS

Delegates—	
Hayes	Schmitt
Jackson, J.	Velazquez
Total—4.	

ABSENT

Delegates—		
Mr. Chairman	Armentor	Cannon
Aertker	Blair	Carmouche

Chehardy
Derbes
Edwards
Kean
Total—18.

Martin
Ourso
Planchard
Shannon

Silverberg
Slay
Taylor
Triche

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Motion

On motion of Delegate Dennis, the Convention altered the Order of Business to take up other orders of business at this time.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources and Environment, sent up the following notice:

The Committee on Natural Resources and Environment will meet on Wednesday, August 22, 1973, at 6:00 o'clock P.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

1. To take final action on Committee Proposal No. 16, Section by Section.
2. To hear witnesses wishing to be heard.

Respectfully submitted,

LOUIS LAMBERT,
Chairman of the Committee on
Natural Resources and Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Martin—1 day.
Delegate Taylor—1 day.
Delegate Aertker—½ day.
Delegate Mire—½ day.
Delegate Derbes—1 day.

Adjournment

Delegate Munson moved that the Convention to now adjourn until Friday, August 17, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, August 17, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
**CONSTITUTIONAL CONVENTION
OF 1973**

OF THE
STATE OF LOUISIANA

THIRTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, August 17, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 A.M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Abraham	Ginn	Rachal
Aertker	Gravel	Rayburn
Alario	Grier	Reeves
Alexander	Guarisco	Riecke
Anzalone	Hardee	Robinson
Arnette	Hayes	Roemer
Asseff	Haynes	Roy
Avant	Heine	Sandoz
Badeaux	Hernandez	Schmitt
Bel	Jack	Segura
Bergeron	Jackson, A.	Silverberg
Blair	Jackson, J.	Singletery
Bollinger	Jenkins	Smith
Brien	Juneau	Soniat
Brown	Kean	Stagg
Burns	Kelly	Stephenson
Burson	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Taylor
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennerly	Lennox	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Drew	Mauberret	Wall
Dunlap	Miller	Warren
Duval	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fowler	Perkins	Zervigon
Fulco	Perez	
Gauthier	Planchard	
Total—124.		

ABSENT

Delegates—		
Armentor	Edwards	Slay
Cannon	Ourso	Triche
Carmouche	Shannon	
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Soniat led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Ullo, the reading of the Journal
was dispensed with.

On motion of Delegate Ullo, the Journal of yesterday was
adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of
the Committee on the Judiciary, and Delegates Avant, Bel,
Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kil-
bourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich
(A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government
Read.

The Chairman announced that the Convention had under
consideration the above Proposal when it adjourned on
Thursday, August 16, 1973, which was taken up and acted
upon as follows:

**Section 15. Courts; Continued; Jurisdiction; Judicial Dis-
tricts Changes; Terms**

Section 15. (A) The district, parish, city, family, and ju-
venile courts existing at the time of the adoption of this
constitution are retained. Except as provided in Section 35
of this Article, the legislature may abolish or merge trial
courts of limited jurisdiction subject to the limitations in
Sections 16 and 21 of this Article. Except as provided in
Section 35 of this Article, the legislature may establish
trial courts of limited jurisdiction which shall have parish-
wide territorial jurisdiction and subject matter jurisdiction
which shall be uniform throughout the state. The office of
city marshal is continued until such time as the city court
he serves is abolished by the legislature.

(B) The judicial districts existing at the time of the adop-
tion of this constitution are retained. The legislature, by a
majority vote of the elected members of each house, with
approval in a referendum in each district or parish affected,
may establish or merge judicial districts, subject to the
limitations of Section 21 of this Article.

(C) The term of district judge shall be six years. Terms
established for judgeships existing at the time of the adop-
tion of this constitution are retained; however, the legisla-
ture by a majority vote of the elected members of each
house, with approval in a referendum in the parish affected,
may reduce the terms of district judges in a parish to not
less than six years.

Read.

Vice Chairman Roy in the Chair

Delegate Dennis sent up a floor amendment which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee
Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 8, immediately after the word "limited" and before the word "jurisdiction" insert the words "or specialized"

Delegate Dennis moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 103 yeas and 5 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate D'Gerolamo sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate D'Gerolamo to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 4, immediately after the word "parish" and the comma ",", and before the word "city" insert the word and punctuation "magistrate,"

Delegate D'Gerolamo moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 88 yeas and 20 nays the amendment was adopted.

Delegate D'Gerolamo moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez and Toomy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, strike out lines 4 through 15, inclusive, and in their entirety and strike out Floor Amendment No. 1 proposed by Delegate Dennis and adopted by the Convention on August 17, 1973 and strike out Floor Amendment No. 1 proposed by Delegate D'Gerolamo and adopted by the Convention on August 17, 1973, and insert in lieu thereof the following:

"Section 15. (A) The district, parish, city, family, and juvenile courts existing at the time of the adoption of this constitution are retained. Except as provided in Section 35 of this Article, the legislature, by a majority vote of the elected members of each house, and with approval in a referendum in each district, parish, or portion affected may abolish or merge trial courts of limited or specialized jurisdiction subject to the limitations in Sections 16 and 21 of this Article. Except as provided in Section 35 of this Article, the legislature may establish trial courts of limited jurisdiction which shall have parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until such time as the city court he serves is abolished by the legislature."

Motion

Delegate Bollinger moved the previous question on the amendment.

Delegate Avant objected.

By a vote of 27 yeas and 76 nays the Convention refused to order the previous question.

Delegate Nunez moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 35 yeas and 81 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 13, immediately after the period "." delete the remainder of the line and delete lines 14 and 15 in their entirety.

Delegate Tobias moved the adoption of the amendment.

Delegate Bel objected.

By a vote of 40 yeas and 66 nays the amendment was rejected.

Delegate Bel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Tobias, Gauthier, Willis, Lennox, Sutherland and Velazquez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 6, immediately after the period "." insert the following:

"Notwithstanding any provision of this constitution to the contrary, there shall be no civil district courts or criminal district courts, but a district court may sit in specialized divisions as provided by rule of court."

Delegate Tobias moved the adoption of the amendment.

Delegate Alexander objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—

YEAS

Mr. Chairman
Abraham
Asseff
Blair
Bollinger
Brown
Champagne
Chatelain
Conroy
Corne
Cowen
Duval
Fontenot

Fulco
Gauthier
Gravel
Guarisco
Hardee
Hayes
Haynes
Jackson, A.
Jackson, J.
Lambert
Landrum
LeBleu
Leigh

Lennox
Miller
O'Neill
Perkins
Planchard
Rachal
Reeves
Roemer
Sandoz
Soniati
Stovall
Sutherland
Tate

Taylor Thompson Tobias Total—46.	Velazquez Wall Willis	Wisham
Delegates—		
Aertker	Flory	Pugh
Alario	Fowler	Rayburn
Alexander	Giarrusso	Riecke
Anzalone	Ginn	Robinson
Arnette	Grier	Roy
Avant	Heine	Schmitt
Badeaux	Hernandez	Segura
Bel	Jack	Silverberg
Bergeron	Jenkins	Singletery
Brien	Juneau	Smith
Burns	Kelly	Stephenson
Burson	Kilbourne	Stinson
Casey	Kilpatrick	Tapper
Chehardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
Dennery	LeBreton	Ullo
Derbes	Leithman	Vesich
Deshotels	McDaniel	Vick
Drew	Mire	Weiss
Dunlap	Newton	Winchester
Elkins	Nunez	Zervigon
Fayard	Perez	
Total—68.		

ABSENT

Delegates—		
Armentor	Kean	Shannon
Cannon	Lowe	Slay
Carmouche	Martin	Stagg
De Blieux	Mauberret	Triche
Dennis	Munson	Warren
Edwards	Ourso	Womack
Total—18.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Roy in the Chair

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 6, immediately after the period "." delete the remainder of the line

AMENDMENT No. 2—

On page 5, line 7, at the beginning of the line before the word "legislature" delete the words and punctuation "of this Article, the" and insert in lieu thereof the word "The"

AMENDMENT No. 3—

On page 5, line 9, immediately after the period "." delete the remainder of the line

AMENDMENT No. 4—

On page 5, line 10, at the beginning of the line immediately before the word "legislature" delete the words and punctuation "Section 35 of this Article, the" and insert in lieu there the word "The"

Delegate Abraham moved the adoption of the amendment.

Delegate Vesich objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Roemer
Abraham	Gravel	Sandoz
Aertker	Grier	Schmitt
Arnette	Guarisco	Silverberg
Asseff	Hardee	Singletery
Blair	Hayes	Smith
Bollinger	Haynes	Soniat
Brien	Hernandez	Stagg
Brown	Jack	Stephenson
Champagne	Jackson, A.	Stinson
Chatelain	Jackson, J.	Stovall
Conroy	Juneau	Taylor
Corne	Kean	Thompson
Cowen	Lambert	Tobias
Derbes	Lanier	Toomy
Drew	LeBleu	Ullo
Dunlap	Leigh	Vick
Duval	Leithman	Warren
Elkins	Miller	Weiss
Fayard	Newton	Willis
Fontenot	Nunez	Wisham
Fulco	O'Neill	Zervigon
Gauthier	Planchard	
Total—68.		

NAYS

Delegates—		
Alario	Heine	Perkins
Alexander	Jenkins	Pugh
Avant	Kelly	Rayburn
Badeaux	Kilbourne	Reeves
Bel	Kilpatrick	Riecke
Bergeron	Landrum	Robinson
Burns	Landry, A.	Roy
Casey	Landry, E. J.	Segura
Chehardy	LeBreton	Tapper
Conino	Lennox	Thistlethwaite
D'Gerolamo	Lowe	Toca
Dennery	McDaniel	Velazquez
Deshotels	Mauberret	Vesich
Flory	Mire	Wall
Fowler	Munson	Winchester
Giarrusso	Perez	
Total—47.		

ABSENT

Delegates—		
Anzalone	Dennis	Slay
Armentor	Edwards	Sutherland
Burson	Martin	Tate
Cannon	Ourso	Triche
Carmouche	Rachal	Womack
De Blieux	Shannon	
Total—17.		

And the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 18, at the end of the line delete the word "with" and delete line 19 in its entirety

Delegate Duval moved the adoption of the amendment.

Delegate Avant objected.

PAGE 4

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By a vote of 34 yeas and 82 nays the amendment was rejected.

Delegate Tapper moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Kelly and Avant to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 19, between the words "district" and "parish" delete the word "or" and insert in lieu thereof the word "and"

AMENDMENT No. 2—

On page 5, line 20, between the words "establish" and "or" insert the following:
", divide,"

Delegate Perez moved the adoption of the amendment.

Delegate Zervigon objected.

By a vote of 92 yeas and 18 nays the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Anendment proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 21, after the period "." add the following:

"The manner of holding such referendum elections shall be as prescribed in the legislative act providing for the referendum."

Delegate Roy moved the adoption of the amendment.

Delegate Rayburn objected.

By a vote of 35 yeas and 76 nays the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Willis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Willis, Juneau, Sandoz, A. Landry, Lennox, Lanier, Bollinger, Guarisco, Brien, Duval, Reeves, Thompson, Roy, Dunlap, Anzalone, Fayard, Burson, Champagne, Planchard, De Blieux, Stagg, Abraham, Kean, Stinson, O'Neill, Roemer, Arnette, Miller, Thistlethwaite, Slay, Munson, Perkins, Gravel, Asseff, Hardee, Elkins, Jack, Smith, E. J. Landry, Chatelain, Corne, Tobias, Avant, Mire, Cowan, A. Jackson, LeBleu, Haynes, Badeaux, Soniat, Aertker, Schmitt, Hayes, Wisham, Lowe, Heine, Fulco, Wall, Ginn, Kilpatrick, Grier, Fontenot, Tommy, Ullo, Womack, Weiss, Winchester, Pugh, Stovall,

Silverberg, McDaniel, Leigh, Carmouche, Kilborune, Burns, Jenkins, Newton, Shannon and Secura to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, at the end of line 22 delete the word "Terms" and delete lines 23 through 28, both inclusive, in their entirety

Delegate Willis moved the adoption of the amendment.

Delegate Vesich objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Grier	Perez
Abraham	Guarisco	Perkins
Aertker	Hardee	Rayburn
Alario	Hayes	Reeves
Anzalone	Haynes	Roemer
Arnette	Heine	Roy
Asseff	Hernandez	Sandoz
Avant	Jack	Schmitt
Badeaux	Jackson, A.	Secura
Blair	Jackson, J.	Silverberg
Bollinger	Jenkins	Singletary
Brien	Juneau	Smith
Brown	Kean	Soniat
Burns	Kelly	Stagg
Champagne	Kilbourne	Stephenson
Chatelain	Kilpatrick	Stinson
Conroy	Lambert	Stovall
Corne	Landrum	Taylor
Cowan	Landry, A.	Thistlethwaite
De Blieux	Landry, E. J.	Thompson
Dennis	Lanier	Tobias
Drew	LeBleu	Toomy
Dunlap	Leigh	Ullo
Duval	Leithman	Velazquez
Elkins	Lennox	Vick
Fayard	Lowe	Wall
Fontenot	McDaniel	Warren
Fowler	Miller	Weiss
Fulco	Mire	Willis
Gauthier	Munson	Winchester
Ginn	Newton	Wisham
Gravel	O'Neill	Zervigon
Total—96.		

NAYS

Delegates—		
Alexander	Dennery	Nunez
Bel	Derbes	Riecke
Bergeron	Deshotels	Robinson
Casey	Flory	Tapper
Chehardy	Giarrusso	Toca
Conino	LeBreton	Vesich
D'Gerolamo	Mauberret	
Total—20.		

ABSENT

Delegates—		
Armentor	Ourso	Sutherland
Burson	Planchard	Tate
Cannon	Pugh	Triche
Carmouche	Rachal	Womack
Edwards	Shannon	
Martin	Slay	
Total—16.		

And the amendment was adopted.

Delegate Willis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Wall the remarks of Delegate Willis were ordered inserted in the official Journal as follows:

Opening Remarks

Mr. Chairman,

Gentle Ladies and Gentlemen:

Notwithstanding the gallant support of the coauthors of this amendment, assuring its approval, I cannot be studious of brevity with a full heart. It is the sense of omnipresent duty which pursued me to this podium. I do not appeal to you from lip to ear; I appeal from heart to heart.

I rise, with reluctance, to express my aversion to a sentence in an article of the Judiciary Plan for which we are so much obliged to the honorable men who laid it before us.

After you attentively listed to prayer this morn, you stood at attention with hand over heart and repeated a Pledge of Allegiance to the red, white, and blue bunting on this platform, which is a symbol of our union, and ended by saying "... Justice For All." This you said. Did you mean it?

With the virtuous education and dedication you have, I warrant you did, because no time is good time to tell ourselves or each other an untruth, which immediately compels me to recall the final advice of Polonius to his son, Laertes, upon the latter's departure, in the tragedy of the Prince of Denmark by the Bard of Avon:

"This above all: To thine own self be true,
and it must follow, as the night the day,
Thou canst not then be false to any man."

WILLIAM SHAKESPEARE, HAMLET I, iii.59.

Especially at this time, heed God's monitor in your bosom--conscience. On this side of the grave, there is no greater luxury of enjoyment than a clear conscience and sense of duty performed, righteousness is always an evidence of greatness and honor. Wrong is the property of small souls.

Your loyalty is due to no mortal man in authoring this Constitution; it is due to good government—Justice For All.

I ask you to please your constituents and so the public at large. If you do what is right, the consequences are nothing and you clothe yourself in armor that the arrows of consequences can never penetrate, and only nature is responsible; if you do wrong, you are responsible for all the consequences to the last sigh.

Much evidence was heard by the Committee on the Judiciary. The totality of that sponsoring the disparity of terms of district judges whereby those serving within the crescent of this mighty and muddy Mississippi, a block away, should have double the terms of all other judges in Louisiana is that campaign costs are higher in that half-moon area. If you project that argument vis-a-vis other officials in any branch of our government, you will see how ludicrous it is to measure the terms of officials by the costs of campaigns. So, I do not belabor the point. Although a majority of the committee embraced the argument from that evidence, I am inclined to a contrary opinion, because the term of a judge should not depend upon its price or the size, population or configuration of an area.

I cannot admonish you enough that equal judges should have equal terms and that the bad habit of history, another argument for disparity of terms, should not be repeated in this Constitution in total violation of Justice For All.

I am sorry to dissent from the proposal of the committee to which I have been assigned, but my heart is full of contempt for injustice, so I must exclaim:

"Give sorrow words; the grief that does not speak
whispers the o'er-fraught heart and bids it break."

WILLIAM SHAKESPEARE, MACBETH IV, iii.209.

I envy the happy moment so soon to arrive when you will restore justice to our district judges by carpeting our voting board in green the color most favored by God in carpeting our world.

And therefore if there are no further speakers I move the amendment and am content with the satisfaction of having poured my heart and given my frank opinion and done my duty.

Thank you.

Closing Remarks

In the name of justice, I adjure you to deal fairly with judges. Be loyal to justice. Beware you do not betray it or

our district judges. They await your decision with composure and fortitude and with union, justice, and confidence, the three words written on our state seal which is lighted in front of this podium.

You may not, you must not deprive justice to judges. My calm analysis of the evidence supplied the committee on the Judiciary demonstrates to me that there was no valid evidence to support unequal terms for equal judges. Why is equality so difficult to understand or to live by?

I plead for our district judges nothing more than that justice which they or you would mete out to the humblest citizen: Equal Justice. If equality is part of justice, then justice requires equality. That is no more arguable than the ten commandments.

I am calm and confident that you will lean on your daily pledge to old glory and glorify your vote for justice for all judges and receive the blessings and honor of our people by so doing. I am equally confident that you will vote for union, justice, and confidence as I am that you will vote for justice for all, including our district judges.

Because I wish our decision remembered with undiminished interest, I request the vote on the amendment to be recorded, Mr. Chairman.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Toomy, Gauthier, Toca, Ullo, Leithman, Alario, Conino, D'Gerolamo, Chehardy, Nunez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 22, immediately after the word "district" and before the word "shall" delete the word "judge" and insert in lieu thereof the words "and parish judges"

Delegate Toomy moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Giarrusso	O'Neill
Aertker	Ginn	Perez
Alario	Gravel	Perkins
Anzalone	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hardee	Robinson
Bel	Hayes	Roemer
Bergeron	Haynes	Roy
Blair	Heine	Segura
Bollinger	Hernandez	Silverberg
Brown	Jack	Singletary
Burns	Jackson, A.	Smith
Casey	Jenkins	Stagg
Chatelain	Juneau	Stephenson
Chehardy	Kean	Stinson
Conino	Kilbourne	Stovall
Conroy	Kilpatrick	Tapper
Corne	Lambert	Tate
Cowen	Landry, A.	Thistlethwaite
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	Lanier	Tobias
Dennery	LeBleu	Toca
Dennis	LeBreton	Toomy
Derbes	Leigh	Ullo
Deshotels	Leithman	Velazquez
Drew	Lennox	Vesich
Dunlap	Lowe	Wall
Duval	McDaniel	Warren
Elkins	Mauberet	Weiss
Fayard	Miller	Willis
Flory	Mire	Winchester
Fowler	Munson	Wisham
Fulco	Newton	Zervigon
Gauthier	Nunez	
Total—101.		

NAYS

Delegates—		
Alexander	Jackson, J.	Soniat
Asseff	Kelly	Taylor
Brien	Landrum	Vick
Champagne	Riecke	
Fontenot	Schmitt	
Total—13.		

ABSENT

Delegates—		
Mr. Chairman	Edwards	Sandoz
Armentor	Martin	Shannon
Arnette	Ourso	Slay
Burson	Planchar	Sutherland
Cannon	Pugh	Triche
Carmouche	Rachal	Womack
Total—18.		

And the amendment was adopted.

Delegate Toomy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau and Kilbourne to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 28 and 29, add the following:
“(D) The legislature may increase or decrease the number of judges in any judicial district by a two-thirds vote of the elected membership of each house.”

Delegate Juneau moved the adoption of the amendment.

Delegate Singletary objected.

By a vote of 86 yeas and 23 nays the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 15, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chehardy	Fowler
Abraham	Conino	Fulco
Aertker	Conroy	Gauthier
Alario	Corne	Giarrusso
Alexander	Cowen	Ginn
Anzalone	D'Gerolamo	Gravel
Arnette	De Blieux	Grier
Asseff	Demery	Guarisco
Avant	Dennis	Hardee
Badeaux	Derbes	Hayes
Bel	Deshotels	Haynes
Bergeron	Drew	Heine
Bollinger	Dunlap	Hernandez
Brien	Duval	Jack
Brown	Elkins	Jackson, A.
Burns	Fayard	Jackson, J.
Champagne	Flory	Jenkins
Chatelain	Fontenot	Juneau

Kean	Nunez	Tapper
Kelly	O'Neill	Tate
Kilbourne	Perez	Taylor
Kilpatrick	Perkins	Thistlethwaite
Lambert	Planchard	Thompson
Landrum	Rayburn	Tobias
Landry, A.	Reeves	Toca
Landry, E. J.	Riecke	Toomy
Lanier	Robinson	Ullo
LeBleu	Roemer	Velazquez
LeBreton	Roy	Vesich
Leigh	Sandoz	Vick
Leithman	Schmitt	Wall
Lennox	Segura	Warren
Lowe	Silverberg	Weiss
McDaniel	Singletary	Willis
Mauberret	Soniat	Winchester
Miller	Stagg	Wisham
Mire	Stephenson	Zervigon
Munson	Stinson	
Newton	Stovall	
Total—115.		

NAYS

Casey
Total—1.

ABSENT

Delegates—		
Armentor	Martin	Smith
Blair	Ourso	Sutherland
Burson	Pugh	Triche
Cannon	Rachal	Womack
Carmouche	Shannon	
Edwards	Slay	
Total—16.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 16. District Courts; Original Jurisdiction

Section 16. (A) Unless otherwise authorized by this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive original jurisdiction of felony cases; cases involving the title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state, a political corporation, or a succession, as a party defendant, regardless of the amount in dispute; and the appointment of receivers or liquidators to corporations or partnerships.

(B) A district court shall have appellate jurisdiction as provided by law.

Read.

Delegate Tate sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Tate to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 1, immediately after the word “jurisdiction” insert a colon “:” and delete the remainder of the line and insert in lieu thereof the following:

“of felony cases and of cases involving: the title to”

On motion of Delegate Tate the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Tobias, Abraham and Gauthier to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 5, line 30, after the letter "(A)" delete the remainder of the line

AMENDMENT No. 2—

On page 5, line 31, at the beginning of the line delete "stitution, a" and insert in lieu thereof the word "A"

On motion of Delegate Gauthier the amendment was withdrawn.

Vice Chairman Casey in the Chair

Delegate Gauthier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gauthier, and Nunez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 9, after the word "law" change the period "." to a comma "," and add the following:

"except that from parish courts, appeals by trials de novo are prohibited."

Delegate Gauthier moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 28 yeas and 78 nays the amendment was rejected.

Delegate Jack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 8 and 9, and insert in lieu thereof the following:

"(B) The district courts shall have such appellate jurisdiction as the legislature shall provide by law"

Delegate Roy moved the adoption of the amendment.

Delegate Champagne objected.

By a vote of 50 yeas and 55 nays the amendment was rejected.

Delegate Alario moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 16, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Anzalone	Badeaux
Aertker	Arnette	Bel
Alario	Asseff	Bergeron
Alexander	Avant	Bollinger

Brien	Hayes	Reeves
Brown	Haynes	Riecke
Burns	Heine	Robinson
Casey	Hernandez	Roemer
Champagne	Jack	Roy
Chatelain	Jackson, A.	Sandoz
Chehardy	Jackson, J.	Schmitt
Conino	Jenkins	Segura
Conroy	Juneau	Silverberg
Corne	Kean	Singleton
Cowen	Kelly	Smith
D'Gerolamo	Kilbourne	Soniat
De Blieux	Kilpatrick	Stagg
Dennery	Lambert	Stinson
Dennis	Landrum	Tapper
Derbes	Landry, A.	Tate
Deshotels	Landry, E. J.	Taylor
Drew	Landier	Thistlethwaite
Dunlap	LeBleu	Thompson
Duval	Leigh	Tobias
Elkins	Leithman	Toomy
Fayard	Lennox	Ullo
Flory	Lowe	Velazquez
Fontenot	McDaniel	Vesich
Fowler	Miller	Vick
Fulco	Mire	Wall
Gauthier	Munson	Warren
Giarrusso	Newton	Weiss
Ginn	Nunez	Willis
Gravel	O'Neill	Wisham
Grier	Perez	Zervigon
Guarisco	Perkins	
Hardee	Rayburn	
Total—109.		

NAYS

Total—0.

ABSENT

Delegates—		
Mr. Chairman	Martin	Stephenson
Armentor	Mauberret	Stovall
Blair	Ourso	Sutherland
Burson	Planchard	Toca
Cannon	Pugh	Triche
Carmouche	Rachal	Winchester
Edwards	Shannon	Womack
LeBreton	Slay	
Total—23.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for the term designated by the court, the administrative functions as prescribed by rule of court.

Read.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 11 through 14 both inclusive in their entirety and insert in lieu thereof the following:

"Section 17. There shall be a chief judge of each district court who shall be the judge oldest in point of service on the court."

Delegate Bollinger moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 36 yeas and 68 nays the amendment was rejected.

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Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 17, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fulco	O'Neill
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perkins
Alario	Ginn	Rayburn
Alexander	Grier	Riecke
Anzalone	Hayes	Robinson
Arnette	Haynes	Roemer
Avant	Heine	Sandoz
Badeaux	Hernandez	Segura
Bel	Jack	Silverberg
Bergeron	Jackson, J.	Singletary
Bollinger	Jenkins	Smith
Brown	Juneau	Soniati
Burns	Kean	Stagg
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Tapper
Chatelain	Lambert	Tate
Chehardy	Landrum	Taylor
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBreton	Toomy
D'Gerolamo	Leithman	Ullo
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Mauberret	Warren
Drew	Miller	Weiss
Dunlap	Mire	Willis
Duval	Munson	Wisham
Elkins	Newton	Zervigon
Flory	Nunez	
Fontenot		
Total—95.		

NAYS

Delegates—	Guarisco	Reeves
Asseff	Jackson, A.	Roy
Brien	Kelly	Schmitt
De Blieux	LeBleu	Stinson
Fowler	Leigh	Thompson
Gravel		
Total—15.		

ABSENT

Delegates—	Hardee	Stephenson
Mr. Chairman	Martin	Sutherland
Armentor	Ourso	Triche
Blair	Plancharde	Wall
Burson	Pugh	Winchester
Cannon	Rachal	Womack
Carmouche	Shannon	
Edwards	Slay	
Fayard		
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 18. Juvenile Courts; Jurisdiction

Section 18. The jurisdiction of a juvenile court shall be as provided by law.

Read.

Motion

On motion of Delegate J. Jackson action was deferred on Section 18 at this time.

Section 19. -Mayors' Courts; Justices of the Peace; Continued

Section 19. Mayors' courts and justice of the peace courts existing at the time of the adoption of this constitution are continued subject to change by the legislature.

Read.

Delegate Dennis sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennis to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 20, immediately after the words "Mayors' courts" delete the remainder of the line

AMENDMENT No. 2—

On page 6, line 22, at the end of the line, add the following:

"Any parish of the state, the parish of Orleans excepted, may be divided by the police jury thereof into not more than six nor fewer than three justice of the peace wards, from each of which there shall be elected one justice of the peace; provided, that the legislature may reduce such number, or even abolish the office of justice of the peace throughout the state. The number of justice of the peace wards in the several parishes shall remain as now fixed until rearranged, or until the office of justice of the peace may be abolished, as herein provided."

Delegate Thompson moved the previous question on the amendment.

Delegate Perez objected.

By a vote of 16 yeas and 83 nays the Convention refused to order the previous question.

Delegate Dennis moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Newton	Stovall
Asseff	Perez	
Deshotels	Perkins	
Fowler		
Total—7.		

NAYS

Delegates—	Corne	Grier
Abraham	Cowen	Guarisco
Aertker	D'Gerolamo	Hayes
Alario	De Blieux	Haynes
Alexander	Dennery	Heine
Anzalone	Dennis	Hernandez
Arnette	Derbes	Jack
Avant	Drew	Jackson, A.
Badeaux	Dunlap	Jackson, J.
Bel	Duval	Jenkins
Bergeron	Elkins	Juneau
Bollinger	Fayard	Kean
Brien	Flory	Kelly
Burns	Fontenot	Kilbourne
Casey	Fulco	Kilpatrick
Champagne	Gauthier	Lambert
Chatelain	Giarrusso	Landrum
Chehardy	Ginn	Landry, A.
Conino	Gravel	Landry, E. J.
Conroy		

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Lanier	Reeves	Taylor
LeBleu	Riecke	Thistlethwaite
LeBreton	Robinson	Thompson
Leigh	Roemer	Tobias
Leithman	Roy	Toca
Lennox	Sandoz	Toomy
Lowe	Schmitt	Ullo
McDaniel	Segura	Velazquez
Mauberret	Silverberg	Vesich
Miller	Singletary	Vick
Mire	Smith	Warren
Munson	Soniat	Weiss
Nunez	Stagg	Willis
O'Neill	Tapper	Zervigon
Rayburn	Tate	
Total—101.		

ABSENT

Delegates—		
Mr. Chairman	Hardee	Stephenson
Armentor	Martin	Stinson
Blair	Ourso	Sutherland
Brown	Planchard	Triche
Burson	Pugh	Wall
Cannon	Rachal	Winchester
Carmouche	Shannon	Wisham
Edwards	Slay	Womack
Total—24.		

And the amendments were rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 19, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Nunez
Abraham	Fulco	O'Neill
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hayes	Roemer
Badeaux	Haynes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Bollinger	Jack	Segura
Brien	Jackson, A.	Silverberg
Burns	Jenkins	Singletary
Casey	Juneau	Smith
Champagne	Kean	Soniat
Chatelain	Kelly	Stagg
Chehardy	Kilbourne	Stovall
Conino	Kilpatrick	Tapper
Conroy	Lambert	Tate
Corne	Landrum	Taylor
Cowen	Landry, A.	Thistlethwaite
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	Lainer	Tobias
Dennery	LeBleu	Toca
Dennis	Leigh	Toomy
Derbes	Leithman	Ullo
Deshotels	Lowe	Velazquez
Drew	McDaniel	Vesich
Dunlap	Mauberret	Vick
Duval	Muller	Warren
Elkins	Mire	Weiss
Fayard	Munson	Willis
Flory	Newton	Zervigon
Fontenot		
Total—106.		

NAYS

Delegates—		
Jackson, J.	Lennox	Perez
Total—3.		

ABSENT

Delegates—		
Armentor	LeBreton	Stinson
Blair	Martin	Sutherland
Brown	Ourso	Triche
Burson	Pugh	Wall
Cannon	Rachal	Winchester
Carmouche	Shannon	Wisham
Edwards	Slay	Womack
Hardee	Stephenson	
Total—23.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 20. Preservation of Evidence

Section 20. Evidence shall be preserved in all trials. The method of preservation shall be provided by law or by rule of the supreme court not inconsistent therewith.

Read.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Anzalone to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 24 through 26 both inclusive, in their entirety and insert in lieu thereof the following:

"Section 20. Evidence and its method of preservation shall be provided by law."

On motion of Delegate Anzalone the amendment was withdrawn.

Passage

Committee Proposal No. 21, Section 20, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Martin
Alexander	Hayes	Robinson
Avant	Haynes	Schmitt
Bergeron	Jackson, A.	Singletary
Chehardy	Jackson, J.	Soniat
Conino	Juneau	Taylor
Conroy	Kelly	Toca
D'Gerolamo	Kilbourne	Toomy
De Blieux	Landry, A.	Velazquez
Dennery	Landry, E. J.	Vesich
Dennis	LeBleu	Warren
Deshotels	Lennox	Zervigon
Flory		
Total—37.		

NAYS

Delegates—		
Aertker	Cowen	Grier
Alario	Derbes	Guarisco
Anzalone	Drew	Heine
Arnette	Dunlap	Hernandez
Asseff	Duval	Jack
Badeaux	Elkins	Jenkins
Bel	Fayard	Kean
Bollinger	Fontenot	Kilpatrick
Brien	Fowler	Lambert
Burns	Fulco	Lanier
Champagne	Giarrusso	Leigh
Chatelain	Ginn	Leithman
Corne	Gravel	Lowe

McDaniel	Reeves	Tapper
Mauberret	Riecke	Thistlethwaite
Mire	Roemer	Thompson
Munson	Roy	Tobias
Newton	Sandoz	Ullo
Nunez	Segura	Vick
O'Neill	Silverberg	Weiss
Perez	Smith	Willis
Perkins	Stinson	
Rayburn	Stovall	
Total—67.		

ABSENT

Delegates—		
Mr. Chairman	Landrum	Stephenson
Armentor	LeBreton	Sutherland
Blair	Miller	Tate
Brown	Ourso	Triche
Burson	Planchard	Wall
Cannon	Pugh	Winchester
Carmouche	Rachal	Wisham
Casey	Shannon	Womack
Edwards	Slay	
Hardee	Stagg	
Total—28.		

And the Chair declared that the above Section failed to pass.

Delegate Anzalone moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Section 21. Judges; Term of Office or Compensation May Not Be Decreased

Section 21. No judge's term of office or compensation shall be decreased during the term for which he is elected.

Read.

Delegate Bollinger sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Bollinger, Gravel, Roemer, and Dennery to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 27, after the word "of" delete the remainder of the line and insert in lieu thereof the words "Office, Compensation or Retirement Shall"

AMENDMENT No. 2—

On page 6, line 30, at the end of the line change the period "." to a comma "," and insert the following: "nor shall the retirement benefits or judicial service rights of any judge, whether sitting or retired, or the benefits of the surviving spouse of any judge, be reduced."

Motion

Delegate Dennis moved that the Convention take up other orders of business at this time.

Delegate Gravel objected.

By a vote of 44 yeas and 56 nays the Convention refused to take up other orders of business at this time.

Delegate Bollinger moved the adoption of the amendments. Delegate Jack objected.

By a vote of 34 yeas and 66 nays the amendments were rejected.

Delegate Dennis moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 21, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Nunez
Abraham	Giarrusso	O'Neill
Alario	Ginn	Perez
Alexander	Gravel	Perkins
Anzalone	Grier	Rayburn
Arnette	Guarisco	Reeves
Asseff	Hayes	Riecke
Avant	Haynes	Robinson
Badeaux	Heine	Roemer
Bel	Hernandez	Roy
Bergeron	Jack	Sandoz
Bollinger	Jackson, A.	Schmitt
Brien	Jackson, J.	Silverberg
Burns	Jenkins	Singletary
Champagne	Juneau	Smith
Chatelain	Kean	Soniat
Chehardy	Kelly	Stagg
Conino	Kilbourne	Stinson
Conroy	Kilpatrick	Stovall
Corne	Lambert	Tapper
Cowen	Landrum	Tate
D'Gerolamo	Landry, A.	Taylor
De Blieux	Landry, E. J.	Thistlethwaite
Dennery	Lanier	Thompson
Dennis	LeBleu	Tobias
Derbes	Leigh	Toca
Deshotels	Leithman	Toomy
Drew	Lennox	Ullo
Dunlap	Lowe	Velazquez
Duval	McDaniel	Vesich
Elkins	Martin	Vick
Flory	Mauberret	Warren
Fontenot	Miller	Weiss
Fowler	Mire	Willis
Fulco	Newton	Zervigon
Total—105.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Fayard	Shannon
Armentor	Hardee	Slay
Blair	LeBreton	Stephenson
Brown	Munson	Sutherland
Burson	Ourso	Triche
Cannon	Planchard	Wall
Carmouche	Pugh	Winchester
Casey	Rachal	Wisham
Edwards	Segura	Womack
Total—27.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Leave of Absence

Delegate Kean— $\frac{1}{2}$ day.
 Delegate Burson— $\frac{1}{2}$ day.
 Delegate Pugh— $1\frac{1}{2}$ days.
 Delegate Casey— $\frac{1}{2}$ day.
 Delegate Brown— $\frac{1}{2}$ day.
 Delegate Gauthier— $\frac{1}{2}$ day.

Adjournment

Delegate Miller moved that the Convention do now adjourn until Saturday, August 18, 1973 at 9:00 o'clock A. M.

Delegate Gravel objected.

By a vote of 56 yeas and 46 nays the Convention adjourned until Saturday, August 18, 1973, at 9:00 o'clock A. M.

And Chairman Henry declared the Convention adjourned to Saturday, August 18, 1973, at 9:00 o'clock A. M.

MOISE W. DENNERY
 Secretary
 DAVID R. POYNTER
 Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

THIRTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, August 18, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Guarisco	Robinson
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Badeaux	Haynes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Bollinger	Jack	Silverberg
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Taylor
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leigh	Toca
Dennery	Leithman	Toomy
Dennis	Lennox	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Vesich
Drew	Martin	Vick
Dunlap	Mauberret	Wall
Duval	Miller	Warren
Edwards	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Zervigon
Fowler	Ourso	
Total—122.		

ABSENT

Delegates—		
Armentor	Pugh	Triche
Blair	Rachal	Womack
Cannon	Shannon	
LeBreton	Sutherland	
Total—10.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Thistlethwaite led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Journal
was dispensed with.

On motion of Delegate Abraham, the Journal of yesterday
was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Consti-
tutional Convention to provide that delegates not voting,
rather than absentees, shall be listed separately.

Read.

Lies over under the rules.

Introduction of Proposals

The following named delegates and committees introduced
the following entitled Delegate and Committee Proposals
which were read by their titles and placed on the Calendar
for their second reading.

COMMITTEE PROPOSAL No. 24—

Introduced by Delegate A. Jackson, Chairman, on behalf of
the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall, and Weiss:

A PROPOSAL

Relative to constitutional revision.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Dennery:

A PROPOSAL

To establish state and city civil service.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Ser-
vice Commission.

Read.

Lies over under the rules.

Motion

On motion of Delegate A. Jackson, the Convention altered
the Order of Business to take up Petitions, Memorials and
Resolutions at this time.

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications
were received and read:

COMMITTEE REPORT WITH RESPECT TO COMMITTEE PROPOSAL NO. 24 ARTICLE XIII. CONSTITUTIONAL REVISION

Section 1. Amendments

Section 1. (A) An amendment to this constitution may be proposed by joint resolution at any session of the legislature. If two-thirds of the members elected to each house concur in the resolution, pursuant to all the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall cause the proposed amendment to be published in the official journal of each parish once within not less than thirty nor more than sixty days preceding the next election for representatives in the legislature of Congress.

Source: La. Const. Art. XXI, §1A (1921).

Comment: Simplification of language with little change of substance. Publication of proposed constitutional amendments in the official journal of each parish is to take place once instead of twice. The new requirement that amendments be subject to the formalities of bills eliminates the necessity for paragraph 1D of the 1921 Constitution which is deleted entirely.

(B) If a majority of the electors voting for or against the proposed amendment shall approve it, then it shall become part of this constitution, effective twenty days after the governor has proclaimed its adoption, unless he amendment otherwise provides. However, no proposed amendment affecting five or fewer political subdivisions shall become part of this constitution unless a majority of the electors voting thereon in the state and also a majority, in the aggregate, of the electors in the affected areas vote in favor of adoption of the proposed amendment.

Source: La. Const. Art. XXI, §1B (1921).

Comment: Simplification of language with little change of substance. Provisions dealing with reapportionment of the legislature are deleted because covered elsewhere in the constitution. In addition, details of legislative procedure are deleted.

(C) When more than one amendment is submitted at the same election, each shall be submitted so as to enable the electors to vote on them separately. A proposed amendment shall be confined to one object and may set forth the entire article or articles to be revised or only the sections or other subdivisions which are to be added or in which a change is to be made; provided that a section or other subdivision may be repealed by reference. The proposed amendment shall have a title containing a brief summary of the changes proposed.

Source: La. Const. Art. XXI, §1C (1921).

Comment: Simplification of language with no change of substance. Paragraph 1E of the 1921 Constitution, which involves procedural detail, is deleted entirely as unnecessary.

Section 2. Convention Called by Legislature

Section 2. Whenever two-thirds of the members elected to each house consider it desirable to revise, alter, or amend this constitution, they may recommend to the electors at the next election for representatives to the legislature or Congress to vote for or against a convention for that purpose. If a majority of the electors voting on the proposition approve it, the legislature shall provide at its next session for calling such a convention. The convention shall consist of delegates elected from the same districts and having the same qualifications as state representatives. The legislature may also provide for not more than fifteen delegates to be appointed by the governor. At a special election called for that purpose, the proposed constitution and any alternative propositions agreed upon by the convention shall be submitted to the people for their ratification or rejection. If the proposal is approved by a majority of the electors voting thereon, the governor shall proclaim it to be the Constitution of the State of Louisiana.

Source: New; see Calif. Const. Art. XVIII, §2 (1879).

Comment: Provides that the legislature may call a limited or unlimited constitutional convention after a two-thirds vote of the membership of each house and a vote of the people. The legislature could permit the governor to appoint up to fifteen delegates.

Section 3. Convention Called by People

Section 3. At the election for representatives to Congress to be held in the year one thousand nine hundred eighty-six and in every tenth year thereafter, the question "Shall there be a convention to revise the Constitution of the State of Louisiana" shall be submitted to the electors of the state. If a majority of the electors who vote on the question favor it, the legislature shall at its next session provide for calling a convention, according to the same procedures mentioned in the previous section.

Source: New; see Ohio Const. Art. XVI, §3 (1851).

Comment: Gives the people an opportunity to consider periodically whether they wish a new constitutional convention.

Section 4. Laws Effectuating Amendments

Section 4. Whenever the legislature shall submit amendments to this constitution, it may at the same session enact laws to carry them into effect, to become operative when the proposed amendments have been ratified.

Source: New; see Ohio Const. Art. XVI, §3 (1851).

Comment: Modernization of language, no change of substance.

Motion

On motion of Delegate Anzalone Committee Proposal No. 4 was made Special Order of the Day for Thursday, August 23, 1973.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary, and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government.

Read.

The chair announced that the Convention had under consideration the above proposal when it adjourned on Friday, August 17, 1973, which was taken up and acted upon as follows.

Section 22. Judges; Election; Vacancy in Office

Section 22. (A) Election of judges shall be at the regular congressional election.

(B) A newly-created judgeship or a vacancy in the office of any judge shall be filled by a special election which shall be called by the governor, and held within six months of the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications for judge to the office, to serve at its pleasure, who shall be ineligible as a candidate for election to the judgeship.

(C) A judge serving on the date of adoption of this constitution shall continue in office for the term to which elected and shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the even-numbered year of a general judicial election, then through December thirty-first of the following year. The election for the next term in the office will be held in a general judicial election of the year in which the term expires as provided above.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins, Pugh, Juneau,

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Kilbourne, Conroy and O'Neill to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 32, immediately after the word "be" and before the word "at" insert the words "conducted on a non-partisan basis"

Delegate Jenkins moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—

Abraham	Fontenot	O'Neill
Aertker	Fowler	Perkins
Alexander	Fulco	Reeves
Arnette	Gauthier	Riecke
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Bollinger	Hayes	Sandoz
Brien	Hernandez	Schmitt
Casey	Jackson, A.	Silverberg
Champagne	Jenkins	Singletary
Conroy	Juneau	Slay
Corne	Kean	Soniat
Cowen	Kilbourne	Stagg
De Blieux	Lanier	Stephenson
Dennery	LeBleu	Thompson
Derbes	Leigh	Tobias
Deshotels	Lennox	Vick
Duval	McDaniel	Wisham
Elkins	Newton	Zervigon

Total—57.

NAYS

Delegates—

Alario	Heine	Robinson
Anzalone	Jack	Segura
Asseff	Kelly	Smith
Bel	Kilpatrick	Stinson
Burns	Lambert	Stovall
Burson	Landrum	Tapper
Carmouche	Landry, A.	Tate
Chatelain	Landry, E. J.	Taylor
Conino	Leithman	Thistlethwaite
D'Gerolamo	Lowe	Toca
Dennis	Martin	Toomy
Drew	Mauberet	Ullo
Dunlap	Miller	Velazquez
Fayard	Mire	Vesich
Flory	Munson	Wall
Giarrusso	Nunez	Weiss
Ginn	Ourso	Willis
Gravel	Perez	Winchester
Grier	Planchard	
Haynes	Rayburn	

Total—58.

ABSENT

Delegates—

Mr. Chairman	Chehardy	Shannon
Armentor	Edwards	Sutherland
Avant	Jackson, J.	Triche
Blair	LeBreton	Warren
Brown	Pugh	Womack
Cannon	Rachal	

Total—17.

And the amendment was rejected.

Delegate Wall moved to reconsider the vote by which the amendment was adopted and to lay the motion to reconsider on the table.

Delegate Jenkins objected to tabling the motion to reconsider.

By a vote of 53 yeas and 60 nays the Convention refused to table the motion to reconsider.

Motion

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected.

Delegate Tate objected.

By a vote of 55 yeas and 63 nays, the Convention refused to reconsider the vote by which the amendment was rejected.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 32, immediately after the letter "(A)" and before the word "Election" insert the following:

"Except as otherwise provided in this Section all judges shall be elected."

On motion of Delegate Flory the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 1, at the end of the line add the following:

"Judges shall be elected on a non-partisan basis, although party designations of candidates shall appear on the ballot, as provided by law."

Motion

Delegate Abraham moved the previous question on the amendment.

Delegate Jack objected.

By a vote of 23 yeas and 86 nays the Convention refused to order the previous question.

Delegate Jenkins moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Conino	Grier
Aertker	Conroy	Hardee
Alario	Corne	Hayes
Alexander	Cowen	Jenkins
Arnette	D'Gerolamo	Juneau
Asseff	Dennery	Kilbourne
Badeaux	Dennis	LeBleu
Bollinger	Derbes	Leigh
Brien	Deshotels	Leithman
Brown	Duval	Lennox
Carmouche	Elkins	McDaniel
Champagne	Fulco	Miller
Chehardy	Gauthier	O'Neill

Riecke	Singletary	Thompson
Roemer	Slay	Tobias
Roy	Stagg	Toca
Sandoz	Stephenson	Weiss
Schmitt	Tapper	Wisham
Silverberg	Thistlethwaite	
Total—56.		

NAYS

Delegates—	Hernandez	Planchard
Anzalone	Jack	Rayburn
Avant	Jackson, A.	Reeves
Bel	Jackson, J.	Robinson
Bergeron	Kean	Segura
Burns	Kelly	Smith
Burson	Kilpatrick	Soniai
Casey	Lambert	Stinson
Chafelain	Landry, A.	Stovall
De Blieux	Landry, E. J.	Tate
Drew	Lanier	Taylor
Dunlap	Lowe	Toomy
Edwards	Martin	Uilo
Fayard	Mauberret	Velazquez
Flory	Mire	Vesich
Fowler	Munson	Vick
Giarrusso	Newton	Wall
Ginn	Nunez	Warren
Gravel	Ourso	Willis
Guarisco	Perez	Winchester
Haynes	Perkins	Zervigon
Heine		
Total—63.		

ABSENT

Delegates—	Landrum	Sutherland
Mr. Chairman	LeBreton	Triche
Armentor	Pugh	Womack
Blair	Rachal	
Cannon	Shannon	
Fontenot		
Total—13.		

And the amendment was rejected.

Delegate Willis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Thistlethwaite sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendment proposed by Delegate Thistlethwaite to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete line 32 in its entirety, and on page 7, delete lines 1 through 20 both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Election of judges shall be as provided by law."

AMENDMENT No. 2—

On page 6, strike out Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on August 18, 1973.

Delegate Thistlethwaite moved the adoption of the amendments.

Delegate Drew objected.

By a vote of 15 yeas and 99 nays the amendment was rejected.

Delegate Drew moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, at the beginning of line 9, after the partial word "tions" and before the words "the office" delete the words "for judge to" and insert a comma "," and insert the following words and punctuation:

"other than domicile, for"

Delegate Dennis moved the adoption of the amendment.

Delegate Brown objected.

By a vote of 106 yeas and 5 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and De Blieux to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 4, immediately after the word "held" delete the remainder of the line and delete line 5 in its entirety and at the beginning of line 6, delete "tablished," and insert in lieu thereof the following:

"at the next regularly scheduled congressional or statewide election,"

Delegate Rayburn moved the adoption of the amendment.

Delegate Tate objected.

By a vote of 47 yeas and 70 nays the amendment was rejected.

Delegate Tate moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Landrum to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, at the beginning of line 8, delete the words "supreme court" and insert in lieu thereof the word "governor"

AMENDMENT No. 2—

On page 7, line 9, after the word "office" and before the words "to serve" change the comma "," to a period "." and delete the remainder of line 9 and delete lines 10 and 11 in their entirety.

Motion

On motion of Delegate Flory a division of the question was ordered.

Delegate Smith moved the previous question on the amendment.

Delegate J. Jackson objected.

By a vote of 27 yeas and 67 nays the Convention refused to order the previous question.

Delegate Landrum moved the adoption of amendment No. 1.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—		
Aertker	Hayes	Roy
Alario	Haynes	Segura
Alexander	Jackson, A.	Soniat
Brien	Jackson, J.	Stephenson
Brown	Kelly	Stovall
Champagne	Kilpatrick	Taylor
Chatelain	Landrum	Thompson
Cowen	Leithman	Velazquez
Edwards	Mauberret	Vesich
Flory	Mire	Vick
Fontenot	Rayburn	Wall
Fowler	Reeves	Wisham
Guarisco	Riecke	
Total—38.		

NAYS

Delegates—		
Abraham	Gauthier	O'Neill
Anzalone	Giarrusso	Ourso
Arnette	Ginn	Perez
Asseff	Gravel	Perkins
Avant	Grier	Planchard
Badeaux	Hardee	Robinson
Bergeron	Heine	Roemer
Bollinger	Hernandez	Sandoz
Burns	Jack	Schmitt
Burson	Jenkins	Silverberg
Carmouche	Juneau	Singletary
Casey	Kean	Slay
Conino	Kilbourne	Smith
Conroy	Landry, A.	Stagg
Corne	Landry, E. J.	Stinson
De Blieux	Lanier	Tapper
Dennery	LeBleu	Tate
Dennis	Leigh	Thistlethwaite
Derbes	Lennox	Tobias
Deshotels	Lowe	Toomy
Drew	McDaniel	Ullo
Dunlap	Martin	Weiss
Duval	Miller	Willis
Elkins	Newton	Winchester
Fulco	Nunez	Zervigon
Total—75.		

ABSENT

Delegates—		
Mr. Chairman	Fayard	Sutherland
Armentor	Lambert	Toca
Bel	LeBreton	Triche
Blair	Munson	Warren
Cannon	Pugh	Womack
Chehardy	Rachal	
D'Gerolamo	Shannon	
Total—19.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum moved the adoption of amendment No. 2.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—		
Alario	Hayes	Reeves
Alexander	Haynes	Riecke
Casey	Heine	Segura
Chatelain	Jackson, A.	Stovall
Dennery	Jackson, J.	Taylor
Edwards	Landrum	Velazquez
Flory	Leithman	Vick
Fontenot	Mauberret	Wisham
Total—24.		

NAYS

Delegates—		
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Gravel	Rayburn
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bergeron	Hernandez	Sandoz
Bollinger	Jack	Schmitt
Brien	Jenkins	Silverberg
Brown	Juneau	Singletary
Burns	Kean	Slay
Burson	Kelly	Smith
Carmouche	Kilbourne	Soniat
Champagne	Kilpatrick	Stagg
Conino	Landry, A.	Stephenson
Conroy	Landry, E. J.	Stinson
Corne	Lanier	Tapper
Cowen	LeBleu	Tate
De Blieux	Leigh	Thistlethwaite
Dennis	Lennox	Thompson
Derbes	Lowe	Tobias
Deshotels	McDaniel	Toomy
Drew	Martin	Ullo
Dunlap	Miller	Vesich
Duval	Mire	Wall
Elkins	Newton	Weiss
Fayard	Nunez	Willis
Fowler	O'Neill	Winchester
Fulco	Ourso	Zervigon
Total—90.		

ABSENT

Delegates—		
Mr. Chairman	D'Gerolamo	Shannon
Armentor	Lambert	Sutherland
Bel	LeBreton	Toca
Blair	Munson	Triche
Cannon	Pugh	Warren
Chehardy	Rachal	Womack
Total—18.		

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 11, at the end of the line delete the period “.” and add the following:

“at the election to fill the vacancy or the newly created judicial office.”

Delegate Drew moved the adoption of the amendment.

Delegate Singletary objected.

By a vote of 109 yeas and 2 nays the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller, Bergeron, Drew, Juneau, Womack, Sandoz, Anzalane, and Gauthier to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 11, immediately after the language added by Convention Floor Amendment No. 1 proposed by Delegate Drew et al and adopted by the Convention on August 18, 1973, add the following sentence:

"For service as an appointed judge, the person appointed to fill the vacancy, other than a retired judge, shall not be eligible for retirement benefits provided for the elected judiciary."

Delegate Miller moved the adoption of the amendment.

Delegate Wall objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—

Arnette	Hernandez	Perkins
Avant	Jenkins	Rayburn
Badeaux	Juneau	Riecke
Bergeron	Kean	Robinson
Burns	Kelly	Sandoz
Burson	Landry, A.	Stinson
Chatelain	Landry, E. J.	Tapper
Corne	Lanier	Tate
Cowen	LeBleu	Thompson
D'Gerolamo	Leigh	Tobias
Dennery	Lennox	Toca
Dennis	Lowe	Toomy
Drew	McDaniel	Velazquez
Flory	Martin	Vesich
Fowler	Mauberret	Warren
Fulco	Miller	Weiss
Gauthier	Nunez	Willis
Giarrusso	O'Neill	Winchester
Hardee	Ourso	Zervigon
Heine	Perez	

Total—59.

NAYS

Delegates—

Abraham	Edwards	Reeves
Alario	Elkins	Roemer
Alexander	Fayard	Roy
Anzalane	Fontenot	Schmitt
Asseff	Ginn	Segura
Bollinger	Gravel	Singletary
Brien	Grier	Slay
Brown	Guarisco	Smith
Carmouche	Hayes	Soniat
Casey	Haynes	Stagg
Champagne	Jack	Stephenson
Chehardy	Jackson, A.	Taylor
Conino	Jackson, J.	Thistlethwaite
Conroy	Kilpatrick	Ullo
De Blieux	Landrum	Vick
Derbes	Leithman	Wall
Deshotels	Mire	Wisham
Dunlap	Newton	
Duval	Plancharid	

Total—55.

ABSENT

Delegates—

Mr. Chairman	Kilbourne	Shannon
Aertker	Lambert	Silverberg
Armentor	LeBreton	Stovall
Bel	Munson	Sutherland
Blair	Pugh	Triche
Cannon	Rachal	Womack

Total—18.

And the amendment was adopted.

Delegate Miller moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Casey, Soniat, Sutherland, Kean and Leigh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21; insert the following
 "(D) The legislature may provide for a system of merit selection of judges in lieu of election. Such system must provide that the original selection of each judge shall thereafter be by appointment from at least three nominees selected by a non-partisan commission, that such selection shall be submitted for approval or rejection by the electors at the next regular congressional election following such selection, and that the continued tenure of each judge previously elected or thereafter so selected and approved shall be submitted to the electors prior to the expiration of the period of time prescribed as the term for such judgeship. No such system shall be effective for the selection of judges in a supreme court, district court, court of appeal district, or judicial district unless first submitted to the electors of such district and approved by a majority of electors voting upon such issue, nor shall any such system operate to reduce the term of any incumbent judge."

Delegate Kilbourne moved the previous question on the amendment.

Delegate Gauthier objected.

By a vote of 36 yeas and 69 nays the Convention refused to order the previous question.

Delegate Conroy moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Aertker	Dennery	Robinson
Badeaux	Derbes	Roemer
Brown	Fontenot	Singletary
Casey	Gauthier	Soniat
Chatelain	Hardee	Stagg
Conino	Kean	Tobias
Conroy	Leigh	Velazquez
Cowen	Perkins	Zervigon
De Blieux	Reeves	

Total—26.

NAYS

Delegates—

Abraham	Bollinger	D'Gerolamo
Alario	Brien	Dennis
Alexander	Burns	Deshotels
Anzalane	Burson	Drew
Arnette	Carmouche	Dunlap
Asseff	Champagne	Duval
Avant	Chehardy	Edwards
Bergeron	Corne	Elkins

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Fayard	Landry, A.	Segura
Flory	Landry, E. J.	Silverberg
Fowler	Lanier	Slay
Giarrusso	LeBleu	Smith
Ginn	Leithman	Stephenson
Gravel	Lowe	Stinson
Grier	Martin	Tapper
Hayes	Mauberret	Tate
Haynes	Miller	Thistlethwaite
Heine	Mire	Thompson
Hernandez	Munson	Toca
Jack	Newton	Toomy
Jackson, A.	Nunez	Ullo
Jackson, J.	O'Neill	Vesich
Jenkins	Ourso	Vick
Juneau	Perez	Wall
Kelly	Planchard	Warren
Kilbourne	Rayburn	Weiss
Kilpatrick	Rcy	Willis
Lambert	Sandoz	Winchester
Landrum	Schmitt	Wisham
Total—87.		

ABSENT

Mr. Chairman	LeBreton	Stovall
Armentor	Lennox	Sutherland
Bel	McDaniel	Taylor
Blair	Pugh	Triche
Cannon	Rachal	Womack
Fulco	Riecke	
Guarisco	Shannon	
Total—19.		

And the amendment was rejected.

Delegate Munson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrosed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, after the words "of a" and before the word "election" delete the words "general judicial" and insert in lieu thereof the words "regular congressional"

AMENDMENT No. 2—

On page 7, at the beginning of line 19, delete the words "a general judicial election of"

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 22, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Arnette	Bollinger
Abraham	Asseff	Brien
Aertker	Avant	Brown
Alario	Badeaux	Burns
Alexander	Bergeron	Burson

Carmouche	Heine	Roemer
Casey	Hernandez	Roy
Champagne	Jack	Sandoz
Chatelain	Jackson, A.	Schmitt
Chehardy	Jenkins	Segura
Conino	Juneau	Silverberg
Conroy	Kean	Singletary
Corne	Kelly	Slay
Cowen	Kilpatrick	Smith
D'Gerolamo	Lambert	Soniat
De Blieux	Landry, A.	Stagg
Dennerly	Landry, E. J.	Stephenson
Derbes	Lanier	Stinson
Dennis	LeBleu	Tapper
Deshotels	Leigh	Tate
Drew	Leithman	Thistlethwaite
Duval	Lowe	Thompson
Edwards	Martin	Tobias
Eikins	Miller	Toca
Fayard	Mire	Toomy
Flory	Munson	Ullo
Fontenot	Newton	Velazquez
Fowler	Nunez	Vesich
Gauthier	O'Neill	Vick
Giarrusso	Ourso	Warren
Ginn	Perez	Weiss
Gravel	Perkins	Willis
Grier	Planchard	Winchester
Hardee	Rayburn	Wisham
Hayes	Reeves	Zervigon
Haynes	Robinson	
Total—107.		

NAYS

Delegates—		
Jackson, J.	Landrum	Wall
Total—3.		

ABSENT

Delegates—		
Anzalone	Kilbourne	Shannon
Armentor	LeBreton	Stovall
Bel	Lennox	Sutherland
Blair	McDaniel	Taylor
Cannon	Mauberret	Triche
Dunlap	Pugh	Womack
Fulco	Rachal	
Guarisco	Riecke	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Kean moved that the Convention do now adjourn until Wednesday, August 22, 1973, at 9:30 o'clock a.m.

Delegate Dennis objected.

By a vote of 46 yeas and 64 nays the Convention refused to adjourn at this time.

Section 23. Retirement of Judges

Section 23. (A) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided herein.

(B) A judge or judicial administrator in office or retired at the time of the adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, including the right to remain in office, as judge, during his present term, as provided under the previous constitution or laws, nor shall the benefits to which his surviving spouse was entitled be reduced.

(C) A judge taking office after the adoption of this constitution and a judge in office who so elects within ninety days of the adoption of this constitution by notifying the secretary of state, shall be vested and entitled to the following retirement benefits:

(1) This subsection applies to a judge of a court authorized by this constitution, except mayors and justices of the peace.

(2) A judge with sixteen years of judicial service may retire at any age; a judge of twelve years of judicial service may retire with benefits commencing at the age of fifty-

five. On retirement, a judge shall receive annually as retirement benefits four percent of his salary times the number of years served, but not more than ninety percent.

(3) A judge who is physically or mentally incapacitated to perform his duties shall be retired. He shall receive as annual retirement benefits two-thirds of his annual salary, or four percent of his salary times the number of years served, whichever is greater, not to exceed the maximum amount provided in paragraph (2).

(4) Upon the death of a judge, in office or retired, the surviving spouse, until remarriage, shall be entitled to one-half of his annual salary as judge prior to death or retirement. If the judge is not survived by a spouse, or if the spouse dies, his unmarried children shall be entitled to the benefits provided in this subsection until the age of eighteen.

(5) Benefits provided herein shall be paid from the same sources as was his compensation as judge. The legislature and the political subdivisions shall provide for the payment of these benefits.

(6) To receive the benefits provided in this subsection, the judge shall contribute a total of six percent of his salary to the paying authorities.

Read.

Vice Chairman Roy in the Chair

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Rayburn to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 11, after the word "benefits" and before the word "percent" delete the word "four" and insert in lieu thereof "three and one-half"

AMENDMENT No. 2—

On page 8, line 16, at the beginning of the line, delete the word "four" and insert in lieu thereof "three and one-half"

AMENDMENT No. 3—

On page 8, line 30, after the words "a total of" and before the word "percent" delete the word "six" and insert in lieu thereof the word "seven"

Delegate Gravel moved the previous question on the amendment.

Delegate Lanier objected.

By a vote of 34 yeas and 66 nays the Convention refused to order the previous question at this time.

Delegate Rayburn moved the adoption of the amendment.

Delegate Duval objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Brien	Corne
Aertker	Brown	Cowen
Alario	Burns	D'Gerolamo
Alexander	Burson	De Blieux
Anzalone	Carmouche	Dennery
Arnette	Casey	Dennis
Asseff	Champagne	Derbes
Avant	Chatelain	Deshotels
Badeaux	Chehardy	Drew
Bergeron	Conino	Dunlap
Bollinger	Conroy	Edwards

Flory
Fontenot
Fowler
Gauthier
Giarrusso
Ginn
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Landry, A.
Landry, E. J.
Total—108.

Lanier
LeBleu
Leigh
Leithman
Lowe
Martin
Mauberret
Miller
Mire
Munson
Newton
Nunez
O'Neill
Ourso
Perez
Perkins
Planchard
Rayburn
Reeves
Robinson
Roy
Sandoz
Schmitt
Segura
Silverberg

Singletary
Slay
Smith
Soniati
Stagg
Stephenson
Stinson
Tapper
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Ulo
Velazquez
Vesich
Vick
Wall
Warren
Weiss
Willis
Winchester
Wisham
Zervigon

NAYS

Delegates—
Duval
Elkins
Total—5.

Fayard
Lambert

Roemer

ABSENT

Delegates—
Mr. Chairman
Armentor
Bel
Blair
Cannon
Fulco
Landrum
Total—19.

LeBreton
Lennox
McDaniel
Pugh
Rachal
Riecke
Shannon

Stovall
Sutherland
Taylor
Triche
Womack

And the amendment was adopted

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Henry, Newton, Roemer, Pugh, Jack, Brien, Brown, Champagne, Fontenot, Grier, Reeves, Segura, Singletary, Slay, Stagg, Wall and Wisham to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 22 through 32, both inclusive, in their entirety, and on page 8, delete lines 1 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. The legislature shall provide for a retirement system for judges; provided, however, a judge in office or retired at the time of adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, nor shall the benefits to which his surviving spouse is entitled be reduced."

Delegate Gravel moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Asseff	Brown
Abraham	Bollinger	Champagne
Alexander	Brien	Chatelain

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Chehardy	Jackson, A.	Segura
Drew	Jackson, J.	Singletary
Dunlap	Jenkins	Slay
Duval	Juneau	Smith
Elkins	Kilpatrick	Soniat
Fayard	Lambert	Stagg
Fontenot	Landry, E. J.	Stephenson
Fowler	LeBleu	Tapper
Giarrusso	Leithman	Thistlethwaite
Ginn	Mauberrret	Thompson
Gravel	Mire	Vick
Grier	Munson	Wall
Guarisco	Newton	Winchester
Hayes	O'Neill	Wisham
Haynes	Reeves	Zervigon
Hernandez	Roemer	
Jack	Roy	

Total—58.

NAYS

Delegates—	Derbes	Perez
Aertker	Deshotels	Perkins
Alario	Edwards	Planchard
Anzalone	Flory	Rayburn
Arnette	Gauthier	Robinson
Avant	Hardee	Sandoz
Badeaux	Heine	Schmitt
Bergeron	Kean	Silverberg
Burns	Kelly	Stinson
Burson	Kilbourne	Tate
Carmouche	Landrum	Tobias
Casey	Landry, A.	Toca
Conino	Lanier	Toomy
Conroy	Leigh	Ullo
Corne	Lowe	Velazquez
Cowen	Martin	Vesich
D'Gerolamo	Miller	Warren
De Blieux	Nunez	Weiss
Dennery	Ourso	Willis
Dennis		

Total—57.

ABSENT

Delegates—	Lennox	Stovall
Armentor	McDaniel	Sutherland
Bel	Pugh	Taylor
Blair	Rachal	Triche
Cannon	Riecke	Womack
Fulco	Shannon	
LeBreton		

Total—17.

And Vice-Chairman Roy declared his vote as yea on the amendment, breaking the tie.

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and lay the motion to reconsider on the table.

Delegate Stinson objected to tabling the motion to reconsider.

Point of Order

Delegate Perez sought a ruling of the Chair as to whether a delegate in the Chair, not the chairman, would be permitted under Rule No. 80 to cast a vote breaking a tie.

Ruling

The Chair ruled that a delegate in the Chair, not the chairman, was authorized to cast a vote breaking a tie under Rule No. 80.

Appeal

Delegate Dennis appealed the ruling of the Chair.

Delegate Dennis withdrew the motion to appeal the ruling of the Chair.

As a substitute Delegate Planchard moved that the Con-

vention do now adjourn until Wednesday, August 22, 1973, at 9:30 o'clock a.m.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Edwards	Miller
Aertker	Fowler	Nunez
Alario	Gauthier	Ourso
Anzalone	Hardee	Perez
Arnette	Heine	Perkins
Asseff	Juneau	Planchard
Badeaux	Kean	Rayburn
Burns	Kilbourne	Robinson
Burson	Landry, A.	Toomy
Carmouche	Leigh	Ullo
Conino	Lowe	Vesich
Conroy	Martin	Warren
D'Gerolamo	Mauberrret	Willis
Dennis		

Total—39.

NAYS

Total—0.	Giarrusso	Roemer
Mr. Chairman	Ginn	Sandoz
Abraham	Gravel	Schmitt
Alexander	Grier	Segura
Avant	Guarisco	Singletary
Bergeron	Hayes	Slay
Bollinger	Haynes	Smith
Brien	Hernandez	Soniat
Brown	Jack	Stagg
Casey	Jackson, A.	Stephenson
Champagne	Jackson, J.	Stinson
Chatelain	Jenkins	Tapper
Chehardy	Kelly	Thistlethwaite
Corne	Kilpatrick	Thompson
Cowen	Lambert	Tobias
De Blieux	Landrum	Toca
Dennery	Landry, E. J.	Velazquez
Derbes	Lanier	Vick
Deshotels	LeBleu	Wall
Drew	Leithman	Weiss
Dunlap	Mire	Winchester
Duval	Munson	Wisham
Elkins	Newton	Zervigon
Fayard	O'Neill	
Flory	Reeves	
Fontenot		

Total—73.

ABSENT

Delegates—	McDaniel	Stovall
Armentor	Pugh	Sutherland
Bel	Rachal	Tate
Blair	Riecke	Taylor
Cannon	Roy	Triche
Fulco	Shannon	Womack
LeBreton	Silverberg	
Lennox		

Total—20.

And the Convention refused to adjourn until Wednesday, August 22, 1973, at 9:30 o'clock a.m.

The vote then recurred on the motion to table the motion to reconsider the vote by which the amendment was adopted.

By a vote of 60 yeas and 52 nays and motion to reconsider was tabled.

Motion

On motion of Delegate Rayburn, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

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DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, August 22, 1973, immediately after adjournment in Room 205 of the State Capitol and will consider the following agenda:

AGENDA

Continuation of consideration of Committee Proposal 7; Delegate Proposals 8, 9, 10.

Respectfully submitted,

DELEGATE AERTKER
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Wednesday, August 22, 1973, after adjournment in Committee Room 4 and will consider the following agenda:

AGENDA

To consider the committee's proposal, CP 15.

Respectfully submitted,

DELEGATE RAYBURN
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Wednesday, August 22, 1973, after adjournment in Committee Room 1 and will consider the following agenda:

AGENDA

To consider the committee proposal.

Respectfully submitted,

DELEGATE C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Wednesday, August 22, 1973, after adjournment in Committee Room 206 and will consider the following agenda:

AGENDA

Continue consideration of Delegate Proposals referred to the Committee.

Respectfully submitted,

DELEGATE TOM STAGG,
Chairman of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Blair—1 day.
Delegate Sutherland—1 day.
Delegate Bel—½ day.
Delegate Fulco—½ day.
Delegate Riecke—½ day.
Delegate Lennox—½ day.

Adjournment

Delegate Chatelain moved that the Convention do now adjourn until Wednesday, August 22, 1973, at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, August 22, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, August 22, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock A. M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Pugh
Aertker	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Robinson
Arnette	Guarisco	Roemer
Asseff	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Haynes	Schmitt
Bel	Heine	Segura
Bergeron	Hernandez	Shannon
Blair	Jack	Silverberg
Bollinger	Jackson, A.	Singleary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	LeBreton	Toca
De Blieux	Leigh	Toomy
Dennery	Lennox	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Drew	Miller	Warren
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Ourso	Zervigon
Fontenot	Perez	
Fowler	Perkins	
Total—124.		

ABSENT

Delegates—		
Armentor	Mauberret	Triche
Cannon	Riecke	Wall
Leithman	Taylor	
Total—8.		

The Chairman announced that there were 124 members present and a quorum.

Prayer

Prayer was offered by the Delegate Alexander.

Pledge of Allegiance

Delegate Hayes led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Fowler, the reading of the Journal was dispensed with.

On motion of Delegate Fowler, the Journal of yesterday was adopted.

Morning Hour

Motion

On motion of Delegate Fowler the Journals of the first nine day's proceedings were adopted.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:
A PROPOSAL

Providing for the reorganization of the executive branch of state government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 30—

Introduced by Delegate Lennox:
A PROPOSAL

Relative to levee districts.

Read.

Lies over under the rules.

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:
A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitutional Convention to provide that delegates not voting, rather than absentees, shall be listed separately.

Read.

Under the rules the above Resolutions was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:
A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

COMMITTEE PROPOSAL No. 24—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Relative to constitutional revision.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Dennery:

A PROPOSAL

To establish state and city civil service.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government

Read.

Section 23. Retirement of Judges

Section 23. (A) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided herein.

(B) A judge or judicial administrator in office or retired at the time of the adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, including the right to remain in office, as judge, during his present term, as provided under the previous constitution or laws, nor shall the benefits to which his surviving spouse was entitled be reduced.

(C) A judge taking office after the adoption of this constitution and a judge in office who so elects within ninety days of the adoption of this constitution by notifying the secretary of state, shall be vested and entitled to the following retirement benefits:

(1) This subsection applies to a judge of a court authorized by this constitution, except mayors and justices of the peace.

(2) A judge with sixteen years of judicial service may retire at any age; a judge of twelve years of judicial service may retire with benefits commencing at the age of fifty-five. On retirement, a judge shall receive annually as retire-

ment benefits four percent of his salary times the number of years served, but not more than ninety percent.

(3) A judge who is physically or mentally incapacitated to perform his duties shall be retired. He shall receive as annual retirement benefits two-thirds of his annual salary, or four percent of his salary times the number of years served, whichever is greater, not to exceed the maximum amount provided in paragraph (2).

(4) Upon the death of a judge, in office or retired, the surviving spouse, until remarriage, shall be entitled to one-half of his annual salary as judge prior to death or retirement. If the judge is not survived by a spouse, or if the spouse dies, his unmarried children shall be entitled to the benefits provided in this subsection until the age of eighteen.

(5) Benefits provided herein shall be paid from the same sources as was his compensation as judge. The legislature and the political subdivisions shall provide for the payment of these benefits.

(6) To receive the benefits provided in this subsection, the judge shall contribute a total of six percent of his salary to the paying authorities.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 21, Section 23, when it adjourned on Saturday, August 18, 1973, which was taken up and acted upon as follows:

Delegate Kean sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Kean, Lowe and Zerivon to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 22 through 32, both inclusive, in their entirety, and on page 8, delete lines 1 through 31, both inclusive, in their entirety.

AMENDMENT No. 2—

Delete the Amendment proposed by Delegate Gravel, et al. and adopted by the Convention on August 18, 1973, and insert in lieu thereof the following:

"The legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the statute enacting the system and to which a judge in office at the time of its adoption may elect to join with credit for all prior years of judicial service without contribution therefor; provided, however, a judge in office or retired at the time of adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, nor shall the benefits to which his surviving spouse is entitled, be reduced."

Delegate Kean moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Burns
Burson
Casey

Chatelain
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Drew
Edwards
Elkins

Flory
Fontenot
Fowler
Gauthier
Heine
Jack
Juneau
Kean
Kilbourne
Landrum
Landry, A.
Lanier
Leigh

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Lennox	Planchard	Toomy
Lowe	Rayburn	Ullo
Martin	Robinson	Velazquez
Maubernet	Sandoz	Vesich
Miller	Silverberg	Vick
Nunez	Stinson	Warren
O'Neill	Sutherland	Weiss
Ourso	Tate	Willis
Perez	Thistlethwaite	Winchester
Perkins	Tobias	Zervigon
Total—69.		

NAYS

Delegates—	Grier	Reeves
Mr. Chairman	Guarisco	Roemer
Alexander	Hayes	Shannon
Blair	Haynes	Singletary
Bollinger	Hernandez	Slay
Brien	Jackson, A.	Smith
Brown	Jenkins	Soniat
Camrouche	Kilpatrick	Stagg
Champagne	Lambert	Tapper
Chehardy	Landry, E. J.	Thompson
Deshotels	LeBleu	Toca
Dunlap	Mire	Wisham
Fulco	Munson	Womack
Giarrusso	Newton	
Ginn	Pugh	
Gravel		
Total—43.		

ABSENT

Delegates—	LeBreton	Segura
Armentor	Leithman	Stephenson
Cannon	McDaniel	Stovall
Duval	Rachal	Taylor
Fayard	Riecke	Triche
Hardee	Roy	Wall
Jackson, J.	Schmitt	
Kelly		
Total—20.		

And the amendments were adopted.

Delegate Kean moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, immediately following the language added by House Floor Amendment No. 2 proposed by Delegate Kean and adopted by the Convention on August 22, 1973, insert the following as a new paragraph:

"The retirement benefits or judicial service rights of any judge shall not be decreased during the term for which such judge is elected, nor shall the benefits of the surviving spouse be decreased."

Delegate Zervigon moved the adoption of the amendment.

Delegate Jack objected.

By a vote of 38 yeas and 67 nays the amendment was rejected.

Delegate Jack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tobias to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

In Convention Floor Amendment No. 2, proposed by Delegate Kean, et al., and adopted by the Convention on August 22, 1973, immediately before the words "The Legislature" insert "Section 23.(A)"

AMENDMENT No. 2—

In Convention Floor Amendment No. 2, proposed by Delegate Kean, et al., and adopted by the Convention on August 22, 1973, immediately after the words "is entitled, be reduced." add the following as a new paragraph:

"(B) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided in this Section."

Motion

Delegate Weiss moved the previous question on the entire subject matter.

Delegate Jack objected.

By a vote of 14 yeas and 98 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Tobias moved the adoption of the amendments.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Edwards	Perkins
Abraham	Elkins	Planchard
Aertker	Fontenot	Pugh
Anzalone	Fowler	Rayburn
Badeaux	Fulco	Reeves
Bel	Gauthier	Sandoz
Bergeron	Ginn	Segura
Blair	Hayes	Shannon
Bollinger	Hernandez	Smith
Brien	Jack	Stagg
Burns	Juneau	Stephenson
Burson	Kelly	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tate
Champagne	Landry, A.	Thistlethwaite
Chatelain	Landry, E. J.	Thompson
Conino	Lanier	Tobias
Conroy	LeBleu	Ullo
Corne	Leigh	Vesich
Cowen	Lennox	Warren
D'Gerolamo	Lowe	Weiss
De Blieux	Martin	Willis
Dennis	Miller	Womack
Derbes	Mire	Zervigon
Deshotels	Ourso	
Drew		
Total—74.		

NAYS

Delegates—	Guarisco	Roemer
Mr. Chairman	Haynes	Schmitt
Alario	Heine	Silverberg
Alexander	Jackson, A.	Singletary
Asseff	Jenkins	Slay
Avant	Kean	Soniat
Brown	Kilbourne	Stinson
Chehardy	Landrum	Tapper
Dennery	Maubernet	Toca
Dunlap	Newton	Toomy
Duval	Nunez	Velazquez
Flory	O'Neill	Vick
Giarrusso	Perez	Winchester
Gravel	Robinson	Wisham
Grier		
Total—42.		

ABSENT

Delegates—		
Armentor	LeBreton	Roy
Arnette	Leithman	Taylor
Cannon	McDaniel	Triche
Fayard	Munson	Wall
Hardee	Rachal	
Jackson, J.	Riecke	
Total—16.		

And the amendments were adopted.

Delegate Tobias moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 22 through 32, both inclusive, in their entirety, and on page 8, delete lines 1 through 31 both inclusive, and strike out Convention Floor Amendments No. 1 and No. 2 proposed by Delegate Kean and adopted by the Convention on August 22, 1973, in their entirety and insert in lieu thereof the following:

"Section 23. The legislature shall provide for a retirement system for judges; provided, however, a judge in office or retired at the time of adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, nor shall the benefits to which his surviving spouse is entitled be reduced. Any judge in office at the time of the enactment of the statutory retirement system shall have the option of joining the statutory retirement system or remaining in his present system. The option to join the new system shall be open to a judge for one year after the enactment of the statutory system."

Delegate Velazquez moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 32 yeas and 84 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

In Floor Amendment No. 2 proposed by Delegate Kean, et al., adopted by the Convention on August 22, 1973, at the beginning of line 1, delete the word "The" and insert in lieu thereof the following:

"Within two years after the effective date of this constitution, the"

Delegate Jack moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 64 yeas and 44 nays the amendment was adopted.

Delegate Jack moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 23, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	Planchard
Aertker	Fowler	Pugh
Alario	Fulco	Rayburn
Alexander	Gauthier	Reeves
Asseff	Ginn	Robinson
Avant	Guarisco	Roemer
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Silverberg
Bollinger	Jack	Singletary
Brien	Jackson, A.	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Lennox	Ullo
Dennerly	Lowe	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberet	Vick
Deshotels	Miller	Warren
Drew	Munson	Weiss
Duval	Nunez	Willis
Edwards	O'Neill	Winchester
Elkins	Ourso	Womack
Fayard	Perez	Zervigon
Flory	Perkins	
Total—104.		

NAYS

Delegates—		
Anzalone	Gravel	Newton
Chatelain	Grier	Slay
Dunlap	Jenkins	
Giarrusso	Mire	
Total—10.		

ABSENT

Delegates—		
Mr. Chairman	Landrum	Shannon
Armentor	Leithman	Tapper
Arnette	McDaniel	Taylor
Cannon	Rachal	Triche
Hardee	Riecke	Wall
Jackson, J.	Roy	Wisham
Total—18.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 24. Judges; Qualifications; Practice of Law Prohibited.

Section 24. A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective circuit or parish for at least two years immediately preceding election, and shall not practice law.

Read.

Delegate Tate sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tate to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, at the end of line 6, immediately after the word "respective" add the word "district,"

AMENDMENT No. 2—

On page 9, line 7, place a comma "," after the word "circuit"

Delegate Tate moved the adoption of the amendment.

By a vote of 111 yeas and 0 nays the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stovall further action on the above Section was deferred at this time.

Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; three attorneys admitted to the practice of law for at least ten years who are not judges, active or retired, nor public officials, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, appointed by the Louisiana District Judges' Association or its successor.

(B) A member of the commission shall serve a four-year term and shall not be eligible to succeed himself.

(C) A member's term shall terminate when he loses the status causing his appointment or when any event occurs which would have made him ineligible for appointment.

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against him with respect to his license to practice law.

Read.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 14, immediately after the word "law" and before the word "who" delete the words "for at least 10 years"

Delegate Schmitt moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 38 yeas and 68 nays the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

State of Louisiana
HOUSE OF REPRESENTATIVES
Baton Rouge

August 22, 1973

Honorable E. L. "Bubba" Henry
Chairman
1973 Constitutional Convention
Independence Hall
Baton Rouge, Louisiana 70804

Dear Mr. Chairman:

Personal, business and family matters require that I resign as a delegate, representing the public at large, to the 1973 Constitutional Convention. I have this day tendered my resignation to Governor Edwin W. Edwards who originally appointed me as a delegate representing the public at large.

I have hope and confidence in the Convention and look forward with a great deal of optimism to the new Constitution which the Convention will present to the people of this State.

Please accept my sincere congratulations on the work of the Convention thus far and I express my regrets to the Convention that I am unable to continue to work with the Convention.

Yours very truly,

RISLEY C. TRICHE

RCT:rrb

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

August 22, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Paul H. Goldman, Monroe, as Delegate to the Constitutional Convention of 1973 (AT LARGE), vice Representative Risley C. Triche, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

Oath of Office

Mr. Paul H. Goldman appeared before the bar of the Convention and took the following oaths of office administered by Hon. David R. Poynter, Clerk of the House of Represen-

tatives and Chief Clerk of the Constitutional Convention:
 "I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God." * * *

"I (Paul H. Goldman) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitution Convention, according to the best of my ability and understanding. So help me God."

Unfinished Business, Resumed

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Read.

Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; three attorneys admitted to the practice of law for at least ten years who are not judges, active or retired, nor public officials, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, appointed by the Louisiana District Judges' Association or its successor.

(B) A member of the commission shall serve a four-year term and shall not be eligible to succeed himself.

(C) A member's term shall terminate when he loses the status causing his appointment or when any event occurs which would have made him ineligible for appointment.

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against him with respect to his license to practice law.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery and Lanier to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 13, after the word "of" and before the word "proceedings" insert the word "commission"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perkins to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, immediately after the semi-colon "," and before the word "attorneys" delete the word "three" and insert in lieu thereof the word "two"

AMENDMENT No. 2—

On page 9, line 14, immediately after the word "years" and before the word "who" insert the following:
 "and one attorney admitted to the practice of law for at least three years but not more than ten years"

Delegate Perkins moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 95 yeas and 13 nays the amendments were adopted.

Delegate Perkins moved to reconsider the vote by which the amendments were adopted, and on his own motion the motion to reconsider was laid on the table.

Delegate Duval sent up floor amendments, which were read as follows:

Amendments proposed by Delegate Duval to Committee Proposal No. 21 by Delegate Dennis, et al.

FLOOR AMENDMENTS

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 9 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Judiciary Commission

Section 25. (A) There shall be a judiciary commission which shall have the power and duty to investigate misconduct on the part of any judge. The structure of the judiciary commission under the previous constitution is continued until changed by the legislature. The commission shall establish its own rules of procedure.

AMENDMENT No. 2—

On page 9, line 28, change the letter "(E)" to the letter "(B)"

AMENDMENT No. 3—

On page 10, line 14, change the letter "(F)" to the letter "(C)"

Delegate Duval moved the adoption of the amendment.

Delegate Willis objected.

PAGE 7

34th Days Proceedings—August 22, 1973

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	D'Gerolamo	Nunez
Aertker	De Blieux	Perkins
Alexander	Dunlap	Reeves
Anzalone	Duval	Roemer
Arnette	Fayard	Roy
Asseff	Fulco	Schmitt
Bollinger	Gauthier	Segura
Brien	Giarrusso	Shannon
Brown	Goldman	Singletary
Burson	Guarisco	Slay
Carmouche	Jackson, A.	Soniat
Casey	Juneau	Stagg
Champagne	Landrum	Stephenson
Chatelain	Landry, E. J.	Stovall
Chehardy	Lanier	Tapper
Conroy	Leigh	Thompson
Cowen	Lowe	Tobias

Total—51.

NAYS

Delegates—

Alario	Heine	Rayburn
Avant	Hernandez	Robinson
Badeaux	Jack	Sandoz
Bel	Jackson, J.	Silverberg
Bergeron	Jenkins	Smith
Blair	Kelly	Stinson
Burns	Kilbourne	Sutherland
Conino	Kilpatrick	Thistlethwaite
Corne	Landry, A.	Toomy
Dennery	LeBleu	Ullo
Dennis	LeBreton	Velazquez
Deshotels	Lennox	Vesich
Drew	Martin	Vick
Edwards	Mauberret	Warren
Elkins	Miller	Weiss
Flory	Mire	Willis
Fontenot	Newton	Winchester
Fowler	O'Neill	Wisham
Ginn	Ourso	Womack
Grier	Perez	Zervigon
Hayes	Planchard	
Haynes	Pugh	

Total—64.

ABSENT

Delegates—

Mr. Chairman	Kean	Riecke
Armentor	Lambert	Tate
Cannon	Leithman	Taylor
Derbes	McDaniel	Toca
Gravel	Munson	Wall
Hardee	Rachal	

Total—17.

And the amendments were rejected.

Delegate Willis moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Landrum and Singletary to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, delete line 19, in its entirety, and insert in lieu thereof the words "the governor."

Delegate Landrum moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 47 yeas and 68 nays the amendment was rejected.

Delegate Pugh moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt and Hayes to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 11 through 19, both inclusive in their entirety and insert in lieu thereof the following:

"Section 25 (A) The judiciary Commission shall consist of nine citizens of the state of Louisiana who shall be appointed by the Supreme Court. There shall be one citizen appointed from each congressional district and one from the state-at-large."

Delegate Schmitt moved the adoption of the amendment.

Delegate Zervigon objected.

By a vote of 19 yeas and 93 nays the amendment was rejected.

Delegate Jack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 15, after the word "nor" and before the word "public" insert the word "elected"

Delegate Pugh moved the adoption of the amendment.

Delegate Alexander objected.

By a vote of 100 yeas and 8 nays the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 25, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Chatelain	Fowler
Abraham	Conino	Fulco
Aertker	Conroy	Gauthier
Alexander	Corne	Ginn
Anzalone	Cowen	Gravel
Arnette	D'Gerolamo	Guarisco
Avant	De Blieux	Hayes
Badeaux	Dennery	Haynes
Bel	Dennis	Heine
Blair	Derbes	Hernandez
Bollinger	Deshotels	Jack
Brien	Drew	Jackson, A.
Brown	Dunlap	Jenkins
Burns	Duval	Juneau
Burson	Edwards	Kelly
Carmouche	Elkins	Kilbourne
Casey	Flory	Kilpatrick
Champagne	Fontenot	Landry, A.

Landry, E. J.	Pugh	Sutherland
Lanier	Rayburn	Tate
LeBleu	Reeves	Thistlethwaite
LeBreton	Robinson	Thompson
Leigh	Roemer	Tobias
Lennox	Roy	Toca
Lowe	Sandoz	Toomy
Martin	Segura	Ullo
Grier	Shannon	Velazquez
Miller	Silverberg	Vesich
Mire	Singletary	Vick
Newton	Slay	Warren
Nunez	Smith	Weiss
O'Neill	Soniat	Willis
Ourso	Stagg	Winchester
Perez	Stephenson	Wisham
Perkins	Stinson	Womack
Planchard	Siovall	Zervigon

Total—108.

NAYS

Delegates—	Fayard	Landrum
Alario	Jackson, J.	Schmitt
Asseff		

Total—6.

ABSENT

Delegates—	Hardee	Munson
Armentor	Kean	Rachal
Bergeron	Lambert	Riecke
Cannon	Leithman	Tapper
Chehardy	McDaniel	Taylor
Giarrusso	Mauberret	Wall
Goldman		

Total—18.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid of the table.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Committee Proposal No. 21, Section 24 at this time.

Section 24. Judges; Qualifications; Practice of Law Prohibited.

Section 24. A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective circuit or parish for at least two years immediately preceding election, and shall not practice law.

Read.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 6, after the word "shall" and before the word "domicile" delete the words "have been" and insert in lieu thereof the word "be"

AMENDMENT No. 2—

On page 9, line 7, after the word "parish" delete the remainder of line 7, and at the beginning of line 9, delete "ing election," and insert in lieu thereof the following: "at the time of qualification for election,"

Delegate Pugh moved the adoption of the amendments.

Delegate Drew objected.

By a vote of 26 yeas and 80 nays the amendments were rejected.

Delegate Lanier moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 24, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Aertker	Ginn	Planchard
Alexander	Goldman	Pugh
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Roemer
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jack	Silverberg
Burns	Jenkins	Singletary
Burson	Juneau	Slay
Carmouche	Kean	Smith
Casey	Kelly	Soniat
Champagne	Kilbourne	Stagg
Chatelain	Kilpatrick	Stinson
Conino	Lambert	Stovall
Conroy	Landry, A.	Sutherland
Corne	Landry, E. J.	Tate
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBleu	Thompson
De Blieux	LeBreton	Tobias
Dennery	Leigh	Toca
Dennis	Lennox	Toomy
Derbes	Lowe	Ullo
Deshotels	McDaniel	Velazquez
Drew	Martin	Vesich
Dunlap	Mauberret	Vick
Duval	Miller	Warren
Edwards	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Zervigon
Fowler	Ourso	
Fulco		

Total—113.

NAYS

Delegates—	Jackson, A.	Landrum
Abraham	Jackson, J.	
Alario		

Total—5.

ABSENT

Delegates—	Leithman	Tapper
Armentor	Rachal	Taylor
Bergeron	Riecke	Wall
Blair	Robinson	Womack
Cannon	Stephenson	
Chehardy		

Total—14.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Vick moved that the Convention resolve itself into a Committee of the Whole for a period of one-half hour in order to allow the Attorney General of the State of Louisiana to address the Committee.

As a substitute, Delegate Nunez moved that the Convention resolve itself into a Committee for a period of one-half hour in order to allow the Attorney General and a representative of the District Attorney's Association to address the Committee for a period of 15 minutes each.

The vote recurred on the substitute motion.

By a vote of 85 yeas and 24 nays the Convention resolved itself into a Committee of the Whole for a period of one-half hour.

Vice-Chairman Miller in the Chair

The Committee rose.

Convention Business Resumed

Chairman Henry in the Chair

Section 26, Department of Justice; Composition; Attorney General; Election and Assistants

Section 26. There shall be a department of justice consisting of an attorney general, first and second attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lanier to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, line 20, immediately after the word "first" and before the word "attorney" delete the words "and second" and insert in lieu thereof the word "assistant"

Delegate Lanier moved the adoption of the amendment.

Deletate Stinson objected.

By a vote of 110 yeas and 8 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 17 through 24, both inclusive, in their entirety

Delegate Zervigon moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 42 yeas and 68 nays the amendment was rejected.

Delegate Stinson moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Stagg and Dennery to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 10, delete lines 17 through 24, in their entirety, and insert in lieu thereof the following:

"Section 26. Powers and Duties of the Attorney General

Section 26. There shall be a department of justice, headed by the attorney general who shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute, and prosecute or intervene in any legal actions or other proceedings, civil or criminal;

(2) exercise supervision over the several district attorneys throughout the state; and

(3) for cause, supersede any attorney representing the state in any civil or criminal proceeding.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute."

Delegate Stagg moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Arnette	Jackson, A.	Soniat
Casey	Jackson, J.	Stagg
De Blieux	Landrum	Stovall
Dennery	Landry, E. J.	Sutherland
Dennis	LeBreton	Tobias
Gravel	Leigh	Velazquez
Guarisco	Lennox	Vick
Goldman	Rachal	Warren
Total—24.		

NAYS

Delegates—

Abraham	Fayard	Mire
Aertker	Flory	Newton
Alario	Fontenot	Nunez
Alexander	Fowler	O'Neill
Anzalone	Fulco	Ourso
Asseff	Gauthier	Perez
Avant	Giarrusso	Perkins
Badeaux	Ginn	Planchard
Bel	Grier	Pugh
Blair	Hardee	Rayburn
Bollinger	Hayes	Reeves
Brien	Haynes	Robinson
Brown	Heine	Roemer
Burns	Hernandez	Roy
Burson	Jack	Sandoz
Carmouche	Jenkins	Schmitt
Champagne	Juneau	Segura
Chatelain	Kean	Shannon
Chehardy	Kelly	Silverberg
Conino	Kilbourne	Singletary
Conroy	Kilpatrick	Slay
Corne	Lambert	Smith
Cowen	Landry, A.	Stephenson
D'Gerolamo	Lanier	Stinson
Deshotels	LeBleu	Tapper
Drew	Lowe	Thistlethwaite
Dunlap	McDaniel	Thompson
Duval	Martin	Toca
Edwards	Maubert	Toomy
Elkins	Miller	Ullo

Vesich	Winchester	Zervigon
Weiss	Wisham	
Willis	Womack	
Total—97.		

ABSENT

Delegates—		
Mr. Chairman	Derbes	Tate
Armentor	Leithman	Taylor
Bergeron	Munson	Wall
Cannon	Riecke	
Total—11.		

And the amendment was rejected.

Delegate Kilbourne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 26, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Pugh
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Shannon
Brien	Hernandez	Silverberg
Brown	Jack	Singletary
Burns	Jackson, A.	Slay
Burson	Jenkins	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Stephenson
Chatelain	Kilbourne	Stinson
Chehardy	Kilpatrick	Stovall
Conino	Lambert	Sutherland
Conroy	Landry, A.	Tapper
Corne	Landry, E. J.	Tate
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBleu	Thompson
De Blieux	LeBreton	Tobias
Dennis	Leigh	Toca
Derbes	Lennox	Toomy
Deshotels	Lowe	Ullo
Drew	McDaniel	Velazquez
Dunlap	Martin	Vesich
Duval	Mauberret	Vick
Edwards	Miller	Weiss
Elkins	Mire	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fowler	Ourso	
Total—116.		

NAYS

Delegates—		
Arnette	Rachal	Zervigon
Jackson, J.	Segura	
Landrum	Warren	
Total—7.		

ABSENT

Delegates—		
Armentor	Bergeron	Cannon

Dennery
Leithman
Total—9.

Munson
Riecke

Taylor
Wall

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Alphonse Jackson, chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 22, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

COMMITTEE PROPOSAL No. 2—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Reported by substitute.

Respectfully submitted,
ALPHONSE JACKSON, JR.
Chairman.

Suspension of the Rules

On motion of Delegate Stovall the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 2—

Introduced by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Reported by substitute by the Committee on Bill of Rights and Elections.

The title to the substitute was as follows:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates

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Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

On motion of Delegates A. Jackson the substitute was adopted.

On motion of Delegate A. Jackson, and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

Motion

On motion of Delegate LeBreton the rules were suspended in order to call a meeting of the Committee on Legislative Liason and Transitional Measures without giving the required 24 hour notice.

COMMITTEE NOTICE

Delegate LeBreton, chairman of the Committee on Legislative Liason and Transitional Matters, sent up the following notice:

The Committee on Legislative Liason and Transitional Measures will meet on Thursday, August 23, 1973, at 7:45 o'clock A.M. in the State Room Lounge, White House Inn at a Dutch Treat Breakfast and will consider the following agenda:

AGENDA

To discuss the methods of transition with the members of the Coordinating Committee.

Respectfully submitted,

DELEGATE EDWARD F. LeBRETON, JR.

Chairman of the Committee on
Legislative Liason and Transitional Measures.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Wall—1 day.
Delegate Taylor—1 day.
Delegate Leithman—3 days.
Delegate Riecke—3 days.
Delegate Bergeron—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, August 23, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, August 23, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, August 23, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by the Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchar
Aertker	Giarrusso	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Robinson
Asseff	Guarisco	Roemer
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Silverberg
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Taylor
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Thompson
D'Gerolamo	LeBreton	Tobias
De Blieux	Leigh	Toca
Dennerly	Lennox	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Warren
Duval	Mire	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ourso	Zervigon
Fowler	Perez	
Total—128.		

ABSENT

Delegates—		
Armentor	Riecke	Wall
Leithman		
Total—4.		

The Chairman announced that there were 128 members present and a quorum.

Prayer

Prayer was offered by Delegate Willis.

Pledge of Allegiance

Delegate Thistlethwaite led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Schmitt, the reading of the Journal was dispensed with.

On motion of Delegate Schmitt, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and read:

Delegate Tom Stagg, chairman, on behalf of the Committee on Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 23, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Executive Department to submit the following report:

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Reported favorably.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall, and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

Reported favorably.

Respectfully submitted,

TOM STAGG,
Chairman.

**Proposals on Second
Reading and Referral**

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

Read.

Under the rules the above Proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 30—

Introduced by Delegate Edward N. Lennox:

A PROPOSAL

Relative to levee districts

Read.

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Under the rules the above Proposal was referred to the Committee on Local and Parochial Government.

Motion

On motion of Delegate Womack, the Convention altered the Order of Business to take up Special Order of the Day at this time.

Special Order of the Day

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the filling of vacancies in certain public offices, and with respect to dual office-holding, a code of ethics, and impeachment.

Read.

Delegate Munson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Henry, Abraham, Alexander, Arnette, Avant, Bel, Blair, Brien, Carmouche, Chate-lain, Chehardy, Conino, D'Gerolamo, Dennery, Derbes, Dun-lap, Duval, Elkins, Flory, Giarrusso, Ginn, Goldman, Gravel, Guarisco, Hardee, Haynes, A. Jackson, A. Landry, E. J. Landry, LeBreton, McDaniel, Mauberret, Miller, Mire, Mun-son, Newton, Pugh, Rachal, Roy, Schmitt, Silverberg, Slay, Stagg, Stovall, Taylor, Toca, Velazquez, Vick, Wisham and Womack to Committee Proposal No. 4 by Delegates Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, after line 23, add the following:

"Section 23. Appointment of Officials; Merger, Consolida-tion of Offices and Departments

Section 23. After the first election of state officials fol-lowing adoption of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide for appointment, in lieu of election, of the state superintendent of education, the commissioner of insurance, the commissioner of agriculture, the state com-missioner of elections, or any of them. In such event the legislature shall prescribe qualifications and method of appointment. It may, by similar vote, provide that any such offices, their departments and functions be merged or con-solidated with any other office or department in the execu-tive branch. No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected of-ficial. By a vote of two-thirds of the elected members of each house, the legislature may reestablish any of such offices as an elective office and, in such event, shall pre-scribe qualifications."

Delegate Burson moved the previous question on the amendment.

Delegate Abraham objected.

By a vote of 14 yeas and 98 nays the Convention refused to order the previous question at this time.

Motion

Delegate Bel moved the previous question on the amend-ment.

Delegate Jenkins objected.

By a vote of 9 yeas and 99 nays the Convention refused to order the previous question at this time.

Delegate Stagg moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Conven-tion.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Schmitt
Abraham	Giarrusso	Segura
Alexander	Ginn	Shannon
Arnette	Goldman	Silverberg
Avant	Gravel	Slay
Bel	Guarisco	Smith
Blair	Hardee	Soniati
Brien	Haynes	Stagg
Brown	Hernandez	Stovall
Burson	Jackson, A.	Sutherland
Carmouche	Jackson, J.	Tapper
Casey	Landrum	Tate
Chehardy	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	LeBreton	Tobias
Cowen	Lennox	Toca
D'Gerolamo	McDaniel	Velazquez
De Blieux	Mauberret	Vesich
Dennery	Mire	Vick
Derbes	Munson	Willis
Dunlap	Newton	Wisham
Duval	Pugh	Womack
Edwards	Roy	Zervigon
Flory	Sandoz	
Total—71.		

NAYS

Delegates—		
Alario	Grier	O'Neill
Anzalone	Hayes	Perez
Asseff	Heine	Perkins
Badeaux	Jack	Planchard
Bollinger	Jenkins	Rayburn
Burns	Juneau	Reeves
Cannon	Kean	Robinson
Champagne	Kelly	Roemer
Corne	Kilbourne	Singletary
Dennis	Kilpatrick	Stephenson
Deshotels	Lambert	Stinson
Drew	Lanier	Toomy
Elkins	LeBleu	Ullio
Fayard	Leigh	Warren
Fontenot	Lowe	Weiss
Fowler	Miller	Winchester
Gauthier	Nunez	
Total—50.		

ABSENT

Delegates—		
Aertker	Leithman	Riecke
Armentor	Martin	Taylor
Bergeron	Ourso	Wall
Chatelain	Rachal	
Total—11.		

The amendment having received a vote of a majority of the total membership of the Convention required to pass a Section to a Proposal was adopted.

Delgate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roemer to Committee Proposal No. 4 by Delegate Dennis, et al.

Amend reprinted as re-engrossed Proposal as follows:

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AMENDMENT No. 1—

On page 11, after line 23, add the following:

"Section 23. Appointment of Officials

Section 23. After the first election of state officials following adoption of this Constitution, the legislature may, by a two-thirds vote of each House, prescribe the qualifications and provide for appointment, in lieu of election of the offices of the Commissioner of Agriculture, the Commissioner of Insurance, and the State Commissioner of Elections, or any of them. No action of the legislature, pursuant thereto, shall reduce the term or compensation of any elected official. By a similar vote of two-thirds of the elected members of each House, the legislature may reestablish any of such offices as an elective office and, in such event, shall prescribe qualifications."

Delegate Roemer moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Anzalone	Grier	O'Neill
Badeaux	Hayes	Perez
Bergeron	Heine	Perkins
Brown	Jack	Reeves
Cannon	Jackson, J.	Robinson
Conroy	Jenkins	Roemer
Corne	Juneau	Silverberg
Dennis	Kean	Stephenson
Derbes	Kelly	Stinson
Deshotels	Kilbourne	Thistlethwaite
Drew	Landrum	Thompson
Duval	LeBleu	Velazquez
Elkins	Leigh	Weiss
Fontenot	Lowe	Zervigon
Fowler	Miller	
Gauthier	Nunez	

Total—46.

NAYS

Delegates—

Mr. Chairman	Fayard	Rayburn
Abraham	Flory	Roy
Alario	Fulco	Sandoz
Alexander	Giarrusso	Schmitt
Arnette	Ginn	Segura
Asseff	Goldman	Shannon
Avant	Gravel	Singletary
Bel	Guarisco	Slay
Blair	Hardee	Smith
Bollinger	Haynes	Soniat
Brien	Hernandez	Stagg
Burns	Jackson, A.	Stovall
Burson	Kilpatrick	Sutherland
Carmouche	Lambert	Tapper
Casey	Landry, A.	Tate
Champagne	Landry, E. J.	Tobias
Chehardy	Lanier	Toca
Conino	LeBreton	Toomy
Cowen	Lennox	Uilo
D'Gerolamo	McDaniel	Vick
De Blieux	Mire	Willis
Dennery	Newton	Winchester
Dunlap	Planchard	Wisham
Edwards	Pugh	Womack

Total—72.

ABSENT

Delegates—

Aertker	Mauberret	Taylor
Armentor	Munson	Vesich
Chatelain	Ourso	Wall
Leithman	Rachal	Warren
Martin	Riecke	

Total—14.

The amendment not having received the vote of a majority of the total membership of the Convention required to pass a Section to a Proposal was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, in Convention Floor Amendment proposed by Mr. Henry, et al., and adopted by the Convention on August 23, 1973, on line 7, of the text of Section 23, added thereby, immediately after the words and punctuation "It may," insert the following:
"after such election,"

On motion of Delegate Stagg the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Weiss, Jenkins, Bollinger, J. Jackson, Stinson and O'Neill to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, in Floor Amendment No. 1, proposed by Delegate Henry, et al., and adopted by the Convention on August 23, 1973, on line 3, after the words and punctuation "of each house," and before the words "provide for" insert the words and punctuation "and approval by a statewide referendum,"

Motion

Delegate Tobias moved the previous question on the amendment.

Delegate Wiess objected.

By a vote of 68 yeas and 48 nays and the previous question was ordered.

Delegate Weiss moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fowler	Miller
Anzalone	Fulco	Nunez
Arnette	Gauthier	O'Neill
Asseff	Grier	Ourso
Bel	Hardee	Perez
Bollinger	Hayes	Perkins
Burns	Heine	Planchard
Cannon	Jack	Rayburn
Conroy	Jackson, J.	Robinson
Corne	Jenkins	Roemer
Dennis	Kilbourne	Shannon
Deshotels	Lambert	Singletary
Drew	Landrum	Smith
Elkins	LeBleu	Stinson
Fayard	Leigh	Thompson
Fontenot	Lowe	Toomy

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Ullo	Warren	Winchester
Velazquez	Weiss	
Total—53.		

NAYS

Delegates—		
Abraham	Giarrusso	Reeves
Alexander	Ginn	Roy
Avant	Goldman	Sandoz
Badeaux	Gravel	Schmitt
Bergeron	Guarisco	Segura
Blair	Haynes	Silverberg
Brien	Hernandez	Slay
Brown	Jackson, A.	Soniat
Burson	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stovall
Champagne	Kilpatrick	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBreton	Tobias
De Blieux	Lennox	Toca
Dennery	McDaniel	Vesich
Derbes	Martin	Vick
Dunlap	Mauberret	Willis
Duval	Mire	Wisham
Edwards	Newton	Womack
Flory	Pugh	Zervigon
Total—69.		

ABSENT

Delegates—		
Mr. Chairman	Leithman	Taylor
Aertker	Munson	Wall
Armentor	Rachal	
Chatelain	Riecke	
Total—10.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, in Floor Amendment No. 1, proposed by Delegate Henry, et al., and adopted by the Convention on August 23, 1973, on line 4, after the words and punctuation "of election, of the" delete the words and punctuation "state superintendent of education, the"

Motion

Delegate Schmitt moved the previous question on the entire subject matter.

Delegate A. Jackson objected.

By a vote of 16 yeas and 98 nays the Convention refused to order the previous question on the entire subject matter at this time.

Delegate O'Neill moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Hayes	Planchard
Badeaux	Heine	Rayburn
Bergeron	Jack	Robinson
Burns	Jenkins	Roemer
Cannon	Juneau	Singletary
Corne	Kean	Smith
Dennis	Kilbourne	Stephenson
Deshotels	Lambert	Stinson
Drew	Lanier	Thistlethwaite
Elkins	Leigh	Thompson
Fayard	Lennox	Toomy
Fontenot	Lowe	Ullo
Fulco	Nunez	Warren
Gauthier	O'Neill	Weiss
Grier	Perkins	Winchester
Total—45.		

NAYS

Delegates—		
Abraham	Flory	Roy
Alexander	Fowler	Sandoz
Anzalone	Goldman	Schmitt
Arnette	Ginn	Segura
Asseff	Gravel	Shannon
Avant	Guarisco	Silverberg
Bel	Haynes	Slay
Blair	Hernandez	Soniat
Bollinger	Jackson, A.	Stagg
Brien	Jackson, J.	Stovall
Burson	Kelly	Sutherland
Carmouche	Kilpatrick	Tapper
Casey	Landrum	Tate
Champagne	Landry, A.	Tobias
Chatelain	Landry, E. J.	Toca
Chehardy	McDaniel	Velazquez
Conino	Mauberret	Vesich
Conroy	Miller	Vick
Cowen	Mire	Willis
De Blieux	Munson	Wisham
Dennery	Newton	Womack
Derbes	Perez	Zervigon
Dunlap	Pugh	
Duval	Reeves	
Total—70.		

ABSENT

Delegates—		
Mr. Chairman	Giarrusso	Ourso
Aertker	Hardee	Rachal
Armentor	LeBleu	Riecke
Brown	LeBreton	Taylor
D'Gerolamo	Leithman	Wall
Edwards	Martin	
Total—17.		

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alario to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, after line 23, strike out Convention Floor Amendment No. 1 proposed by Mr. Henry, et al. and adopted by the Convention of August 23, 1973, add the following:

"Section 23. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 23. After the first election of state officials following adoption of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide for appointment, in lieu of election, of the state superintendent of education, the commissioner of agriculture, the state commissioner of elections, or any of them. In such event the legislature shall prescribe qualifications and method of appointment. It may after such

election, by similar vote, provided that any such offices, their departments and functions be merged or consolidated with any other office or department in the executive branch. No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected official. By a vote of two-thirds of the elected members of each house, the legislature may reestablish any of such offices as an elective office and, in such event, shall prescribe qualifications."

Delegate Alario moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Jack	Robinson
Asseff	Jenkins	Roemer
Bollinger	Kilbourne	Singletary
Burns	Lambert	Stephenson
Corne	Leigh	Stinson
Drew	Lowe	Toomy
Fayard	Nunez	Ullo
Fulco	O'Neill	Weiss
Gauthier	Perez	Winchester
Grier	Perkins	
Heine	Rayburn	

Total—31.

NAYS

Delegates—

Abraham	Flory	Pugh
Alexander	Fontenot	Reeves
Arnette	Fowler	Roy
Avant	Giarrusso	Sandoz
Badeaux	Ginn	Schmitt
Bel	Goldman	Segura
Bergeron	Gravel	Shannon
Blair	Guarisco	Silverberg
Brien	Hardee	Slay
Brown	Hayes	Smith
Burson	Haynes	Soniat
Cannon	Hernandez	Stagg
Carmouche	Jackson, A.	Stovall
Casey	Jackson, J.	Sutherland
Champagne	Juneau	Tapper
Chatelain	Kean	Tate
Chehardy	Kelly	Thistlethwaite
Conino	Kilpatrick	Thompson
Conroy	Landrum	Tobias
Cowen	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Velazquez
De Blieux	Lanier	Vesich
Dennery	LeBreton	Vick
Dennis	Lennox	Willis
Derbes	McDaniel	Wisham
Deshotels	Miller	Womack
Dunlap	Munson	Zervigon
Duval	Newton	
Elkins	Planchard	

Total—85.

ABSENT

Delegates—

Mr. Chairman	Leithman	Riecke
Aertker	Martin	Taylor
Anzalone	Maubert	Wall
Armentor	Mire	Warren
Edwards	Ourso	
LeBleu	Rachal	

Total—16.

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 4 by Delegate Stagg, et al.

Amend reprinted as reengrossed Proposal as follows:

AMENDMENT No. 1—

In Floor Amendment No. 1, proposed by Delegate Henry, et al., and adopted by the Convention on August 23, 1973, on line 7, after the word "appointment" delete the following:

"It may,"
and insert in lieu thereof the word "and"

AMENDMENT No. 2—

In Floor Amendment No. 1, proposed by Delegate Henry, et al., and adopted by the Convention on August 23, 1973, on line 8, after "similar vote," and before the word "provide" insert the word "may"

AMENDMENT No. 3—

Delete Floor Amendment No. 1 proposed by Delegate Stagg to Floor Amendment No. 1 proposed by Mr. Henry and adopted by the Convention on August 23, 1973.

On motion of Delegate Drew the amendment was adopted.

Delegate Haynes moved to reconsider the vote by which the amendments were adopted.

Delegate Stagg objected.

By a vote of 32 yeas and 78 nays the Convention refused to reconsider the vote by which the amendment was adopted.

Passage

Committee Proposal No. 4, Section 23, was read as amended.

Delegate Stagg moved the passage of the Section.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Mr. Chairman	Fulco	Roy
Abraham	Giarrusso	Sandoz
Arnette	Ginn	Schmitt
Avant	Goldman	Segura
Bel	Gravel	Shannon
Blair	Hardee	Silverberg
Brien	Haynes	Slay
Brown	Hernandez	Smith
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Carmouche	Juneau	Stovall
Casey	Kelly	Sutherland
Champagne	Kilbourne	Tapper
Chatelain	Kilpatrick	Tate
Chehardy	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Lennox	Velazquez
De Blieux	McDaniel	Vesich
Dennery	Mire	Vick
Derbes	Munson	Willis
Dunlap	Newton	Wisham
Duval	Perez	Womack
Elkins	Planchard	Zervigon
Flory	Pugh	
Fowler	Reeves	

Total—79.

NAYS

Delegates—

Alario	Cannon	Gauthier
Alexander	Corne	Grier
Anzalone	Dennis	Hayes
Asseff	Deshotels	Heine
Badeaux	Drew	Jack
Bergeron	Fayard	Jenkins
Bollinger	Fontenot	Kean

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Lambert	Perkins	Toomy
Lanier	Rayburn	Uilo
Leigh	Robinson	Warren
Lowe	Roemer	Weiss
Miller	Singletary	Winchester
Nunez	Stephenson	
O'Neill	Stinson	
Total—40.		

ABSENT

Delegates—		
Aertker	Leithman	Riecke
Armentor	Martin	Taylor
Edwards	Mauberet	Wall
Guarisco	Ourso	
LeBleu	Rachal	
Total—13.		

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Gravel moved the previous question on the entire proposal.

Delegate De Blieux objected.

By a vote of 90 yeas and 26 nays the previous question on the entire proposal was ordered.

The Proposal was read.

Delegate Stagg moved the final passage of the entire Proposal

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Roy
Abraham	Giarrusso	Sandoz
Alexander	Ginn	Schmitt
Arnette	Goldman	Segura
Avant	Gravel	Shannon
Badeaux	Hardee	Silverberg
Bel	Hayes	Slay
Blair	Haynes	Smith
Brien	Heine	Soniat
Brown	Hernandez	Stagg
Burns	Jackson, A.	Stovall
Burson	Juneau	Sutherland
Carmouche	Kean	Tapper
Casey	Kelly	Tate
Champagne	Kilbourne	Thistlethwaite
Chatelain	Landrum	Thompson
Chehardy	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Cowen	LeBreton	Velazquez
D'Gerolamo	Lennox	Vesich
De Blieux	McDaniel	Vick
Dennery	Mire	Weiss
Dennis	Munson	Willis
Derbes	Newton	Wisham
Dunlap	Perez	Womack
Duval	Planchard	Zervigon
Flory	Pugh	
Fowler	Reeves	
Total—82.		

NAYS

Delegates—		
Alario	Conroy	Fontenot
Anzalone	Corne	Gauthier
Asseff	Deshotels	Grier
Bergeron	Drew	Jack
Bollinger	Elkins	Jackson, J.
Cannon	Fayard	Jenkins

Kilpatrick	Nunez	Stephenson
Lambert	O'Neill	Stinson
Lanier	Perkins	Toomy
LeBleu	Rayburn	Uilo
Leigh	Robinson	Warren
Lowe	Roemer	Winchester
Miller	Singletary	
Total—38.		

ABSENT

Delegates—		
Aertker	Leithman	Rachal
Armentor	Martin	Riecke
Edwards	Mauberet	Taylor
Guarisco	Ourso	Wall
Total—12.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Dennis, the Convention altered the Order of Business to take up Unfinished Business at this time.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government
Read.

The chairman announced that the Convention had under consideration the above proposal when it adjourned on Wednesday, August 22, 1973, which was taken up and acted upon as follows:

Section 27. Attorney General; Powers and Duties; Vacancy

Section 27. (A) The attorney general shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and

(3) for cause when authorized by the court of original jurisdiction in which any proceeding is pending, subject to judicial review, supercede any attorney representing the state in any civil or criminal action.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

(B) In case of a vacancy in the office of attorney general, the first assistant attorney general shall perform the duties of the office until his successor is elected and qualified.

Read.

Vice Chairman Casey in the Chair

Delegate Gauthier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gauthier, Alario, Tapper, Conino, Toca, D'Gerolamo, Nunez, Uilo, Toomy,

Leithman, Bollinger, Deshotels, Perez, Perkins and Velazquez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 3 through 6, both inclusive, in their entirety.

Delegate Gauthier moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 45 yeas and 71 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and Roy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(2) exercise supervision over the several district attorneys throughout the state and, upon the request of any district attorney, advise and assist in the prosecution of any criminal case, and"

Delegate Newton moved the adoption of the amendment.

Delegate Burns objected.

By a vote of 16 yeas and 94 nays the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, between lines 6 and 7, insert the following: "(4) for cause when authorized by the court of original jurisdiction, subject to judicial review, institute, and prosecute, or intervene, in any criminal action or proceeding."

Delegate Jack moved the adoption of the amendment.

Delegate Kilbourne objected.

By a vote of 40 yeas and 74 nays the amendment was rejected.

Delegate Kilbourne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, at the end of line 9, delete the period "." and insert the following:

"not inconsistent with the provisions hereof."

Delegate Toomy moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 30 yeas and 81 nays the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend Reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11 line 3, after the word "for" and before the word "cause" insert the word "proven"

AMENDMENT No. 2—

On page 11 line 3, after the word "by" and before the word "the" insert "a majority of the judges of"

Motion

On motion of Delegate Stovall a division of the question was ordered.

Delegate Perez moved the adoption of the amendment No. 1.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Alario	Fowler	Robinson
Anzalone	Fulco	Roemer
Arnette	Gauthier	Schmitt
Asseff	Ginn	Segura
Badeaux	Goldman	Shannon
Bel	Hernandez	Stephenson
Bergeron	Jenkins	Stinson
Brown	Kean	Tapper
Burns	Kelly	Thistlethwaite
Burson	Lambert	Thompson
Chatelain	Martin	Toca
Chehardy	Mire	Toomy
Conino	Nunez	Ullo
D'Gerolamo	O'Neill	Vesich
Deshotels	Ourso	Warren
Drew	Perez	Winchester
Edwards	Perkins	Womack
Elkins	Planchard	
Fayard	Pugh	
Total—55.		

NAYS

Delegates—

Abraham	Dennery	Jack
Alexander	Dennis	Jackson, A.
Avant	Derbes	Jackson, J.
Blair	Dunlap	Juneau
Bollinger	Duval	Kilbourne
Brien	Flory	Kilpatrick
Carmouche	Fontenot	Landry, A.
Casey	Giarrusso	Landry, E. J.
Champagne	Gravel	Lanier
Conroy	Grier	LeBleu
Corne	Guarisco	Leigh
Cowen	Hayes	Lennox
De Blieux	Haynes	Lowe

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McDaniel	Singletary	Tate
Newton	Slay	Tobias
Rayburn	Smith	Velazquez
Reeves	Soniat	Vick
Roy	Stagg	Willis
Sandoz	Stovall	Wisham
Silverberg	Sutherland	Zervigon
Total—60.		

ABSENT

Delegates—		
Mr. Chairman	Landrum	Rachal
Aertker	LeBreton	Riecke
Armentor	Leithman	Taylor
Cannon	Mauberet	Wall
Hardee	Miller	Weiss
Heine	Munson	
Total—17.		

And the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez moved the adoption of the amendment No. 2.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fulco	Perez
Anzalone	Gauthier	Perkins
Arnette	Ginn	Robinson
Asseff	Jenkins	Segura
Bel	Kean	Shannon
Chatelain	Kelly	Stephenson
Chehardy	Lambert	Stinson
Conino	Landry, A.	Thistlethwaite
D'Gerolamo	Martin	Toca
Drew	Mire	Toomy
Edwards	Nunez	Ullo
Fayard	O'Neill	Vesich
Flory	Ourso	Winchester
Fowler		
Total—40.		

NAYS

Delegates—		
Abraham	Fontenot	Pugh
Alexander	Giarrusso	Rayburn
Avant	Goldman	Reeves
Badeaux	Gravel	Roemer
Bergeron	Grier	Roy
Blair	Guarisco	Sandoz
Bollinger	Hayes	Schmitt
Brien	Haynes	Silverberg
Brown	Hernandez	Singletary
Burns	Jack	Slay
Burson	Jackson, A.	Smith
Carmouche	Jackson, J.	Soniat
Casey	Juneau	Stagg
Champagne	Kilbourne	Stovall
Conroy	Kilpatrick	Sutherland
Corne	Landry, E. J.	Tate
Cowen	Lanier	Thompson
De Blieux	LeBleu	Tobias
Dennery	Leigh	Vick
Dennis	Lennox	Velazquez
Derbes	Lowe	Warren
Deshotels	McDaniel	Willis
Dunlap	Miller	Wisham
Duval	Newton	Zervigon
Elkins	Planchard	
Total—74.		

ABSENT

Delegates—		
Mr. Chairman	Landrum	Riecke
Aertker	LeBreton	Tapper
Armentor	Leithman	Taylor
Cannon	Mauberet	Wall
Hardee	Munson	Weiss
Heine	Rachal	Womack
Total—18.		

And the amendment was rejected.

Delegate Pugh moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 4, immediately after the word "proceeding" and before the word "is" insert the words "or affidavit"

Delegate Dennis moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 70 yeas and 39 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 10 through 13, both inclusive, in their entirety.

On motion of Delegate Arnette the amendment was adopted.

Delegate Arnette moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 27, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burson	Drew
Abraham	Carmouche	Dunlap
Alario	Casey	Duval
Alexander	Champagne	Edwards
Anzalone	Chatelain	Elkins
Arnette	Chehardy	Fayard
Avant	Conino	Flory
Badeaux	Conroy	Fontenot
Bel	Corne	Fowler
Bergeron	Cowen	Fulco
Blair	De Blieux	Gauthier
Bollinger	D'Gerolamo	Giarrusso
Brien	Dennery	Goldman
Brown	Dennis	Gravel
Burns	Deshotels	Grier

Guarisco	Miller	Soniat
Hayes	Mire	Stagg
Haynes	Newton	Stinson
Hernandez	Nunez	Stovall
Jack	O'Neill	Sutherland
Jackson, A.	Ourso	Tapper
Jackson, J.	Perkins	Tate
Jenkins	Planchard	Thistlethwaite
Juneau	Pugh	Thompson
Kean	Rayburn	Tobias
Kilbourne	Reeves	Toca
Kilpatrick	Robinson	Toomy
Lambert	Roemer	Ullo
Landry, A.	Roy	Velazquez
Landry, E. J.	Sandoz	Vesich
Lanier	Schmitt	Vick
LeBleu	Segura	Warren
Leigh	Shannon	Willis
Lennox	Silverberg	Winchester
Lowe	Singletary	Wisham
McDaniel	Slay	Womack
Martin	Smith	Zervigon
Total—111.		

NAYS

Delegates—	
Asseff	Perez
Kelly	Stephenson
Total—4.	

ABSENT

Delegates—		
Aertker	Heine	Rachal
Armentor	Landrum	Riecke
Cannon	LeBreton	Taylor
Derbes	Leithman	Wall
Ginn	Mauberrert	Weiss
Hardee	Munson	
Total—17.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 28. District Attorney; Election; Qualifications; Assistants

Section 28. In each judicial district a district attorney shall be elected by the qualified electors of the district for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select his assistants and other personnel and prescribe their duties.

Read.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier and Duval to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 22, immediately after the word "select" and before the word "other" delete the words "his assistants and" and insert in lieu thereof the following: "such assistants as may be authorized by law and"

On motion of Delegate Lanier the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Deshotels, Landry, Gauthier and Kelly to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 14, after the word "Qualifications," add the words "Duties and Functions;"

AMENDMENT No. 2—

On page 11, line 16, after the word and numeral "Section 28." add "(A)"

AMENDMENT No. 3—

On page 11, between lines 23 and 24, add the following:

"(B) A district attorney has entire charge and control of every criminal prosecution instituted or pending in his district, and shall represent concurrently with the attorney general the state in all civil actions instituted or pending in his district.

(C) The district attorney shall be the representative of the state before the grand jury in his district, and shall be its sole legal advisor.

(D) A district attorney shall perform such other duties as may be provided by law."

On motion of Delegate Kelly the amendments were withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 22, immediately after the word "personnel" insert a period "." and delete the remainder of the line and delete line 23 in its entirety

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 19, immediately after the word "least" and before the word "years" delete the word "five" and insert in lieu thereof the word "three"

Delegate Arnette moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Brien	Drew
Alexander	Brown	Duval
Anzalone	Carmouche	Edwards
Arnette	Casey	Fontenot
Bel	Champagne	Fowler
Bergeron	Dennery	Goldman
Bollinger	Derbes	Grier

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Guarisco	Lowe	Stovall
Hayes	Newton	Tapper
Haynes	O'Neill	Tate
Jackson, A.	Ourso	Tobias
Jackson, J.	Perkins	Toomy
Jenkins	Pugh	Velazquez
Kean	Robinson	Vick
Landry, A.	Singleary	Warren
Lanier	Soniat	Wisham
LeBleu	Stephenson	Zervigon
Total—51.		

NAYS

Delegates—		
Alario	Fulco	Planchard
Asseff	Gauthier	Rayburn
Avant	Giarrusso	Reeves
Badeaux	Ginn	Roemer
Blair	Gravel	Sandoz
Burns	Hernandez	Schmitt
Burson	Jack	Segura
Chatelain	Juneau	Shannon
Chehardy	Kelly	Silverberg
Conino	Kilbourne	Slay
Conroy	Kilpatrick	Smith
Corne	Lambert	Stagg
Cowen	Landry, E. J.	Stinson
D'Gerolamo	Leigh	Sutherland
De Blieux	Lennox	Thistlethwaite
Dennis	McDaniel	Thompson
Deshotels	Martin	Toca
Dunlap	Miller	Ullo
Elkins	Mire	Vesich
Fayard	Nunez	Willis
Flory	Perez	Winchester
Total—63.		

ABSENT

Delegates—		
Mr. Chairman	Landrum	Riecke
Aertker	LeBreton	Roy
Armentor	Leithman	Taylor
Cannon	Mauberret	Wall
Hardee	Munson	Weiss
Heine	Rachal	Womack
Total—18.		

And the amendment was rejected.

Delegate Kilbourne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 23, after the word "personnel" and punctuation added thereafter by Convention Floor Amendment No. 1 proposed by Mr. Gravel and adopted by the Convention on August 23, 1973, add the following:

"The district attorney shall have such powers and duties as may be prescribed by law."

Delegate De Blieux moved the adoption of the amendment.

Delegate Dennery objected.

By a vote of 42 yeas and 66 nays the amendment was rejected.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate De Blieux to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 20, after the word "election" and before the word "shall" delete the word "and" and insert in lieu thereof comma ","

AMENDMENT No. 2—

On page 11, line 21, after the word "election" change the period "." to a comma "," and add the following: "and shall not engage in private practice of law."

Motion

Delegate Smith moved the previous question on the amendment.

Delegate Gravel objected.

By a vote of 16 yeas and 84 nays the Convention refused to order the previous question at this time.

Delegate De Blieux moved the adoption of the amendment.

Delegate Duval objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Badeaux	Jack	Shannon
Bergeron	Jackson, A.	Silverberg
Bollinger	Jackson, J.	Slay
Conino	Landry, E. J.	Smith
Conroy	Leigh	Soniat
De Blieux	McDaniel	Stagg
Dunlap	Miller	Stinson
Fulco	Pugh	Sutherland
Giarrusso	Roemer	Tobias
Goldman	Roy	Vick
Guarisco	Schmitt	Warren
Total—33.		

NAYS

Delegates—		
Mr. Chairman	Flory	Ourso
Abraham	Fontenot	Perez
Alario	Fowler	Perkins
Alexander	Gauthier	Planchard
Arnette	Ginn	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Robinson
Bel	Hayes	Sandoz
Blair	Haynes	Segura
Brien	Hernandez	Singleary
Brown	Jenkins	Stephenson
Burns	Juneau	Stovall
Carmouche	Kean	Tapper
Casey	Kelly	Tate
Champagne	Kilbourne	Thistlethwaite
Chatelain	Kilpatrick	Thompson
Chehardy	Landry, A.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
D'Gerolamo	Lennox	Velazquez
Dennery	Lowe	Vesich
Deshotels	Martin	Willis
Drew	Mire	Winchester
Duval	Newton	Zervigon
Edwards	Nunez	
Elkins	O'Neill	
Total—76.		

ABSENT

Delegates—		
Aertker	Dennis	Lambert
Anzalone	Derbes	Landrum
Armentor	Fayard	LeBreton
Burson	Hardee	Leithman
Cannon	Heine	Mauberret

Munson	Taylor	Wisham
Rachal	Wall	Womack
Riecke	Weiss	
Total—23.		

And the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendments were rejected and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Fayard sent up the following explanation of vote:

"I wish the record to reflect the fact that I have abstained from voting on Floor Amendment No. 1 and No. 2 proposed by Delegate De Blieux as my position as an assistant district attorney creates a personal interest in this amendment."

CALVIN FAYARD

Delegate Kilbourne sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Kilbourne, Nunez, Gravel and Toomy to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, line 14, after the word "Qualifications," add the words "Duties and Functions;"

AMENDMENT No. 2—

On page 11, line 16, after the word and numeral "Section 28," add "(A)"

AMENDMENT No. 3—

On page 11, between lines 23 and 34, add the following:
 "(B) A district attorney shall have charge and control of every criminal prosecution in his district and shall perform such other duties as may be provided by law

(C) The district attorney shall be the representative of the state before the grand jury in his district and shall be its legal advisor."

On motion of Delegate Kilbourne the amendments were withdrawn.

Passage

Committee Proposal No. 21, Section 28, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Burson	Dunlap
Abraham	Carmouche	Duval
Alario	Casey	Edwards
Alexander	Champagne	Elkins
Anzalone	Chatelain	Fayard
Arnette	Chehardy	Flory
Asseff	Conino	Fontenot
Avant	Conroy	Fowler
Badeaux	Corne	Fulco
Bel	Cowen	Gauthier
Bergeron	D'Gerolamo	Giarursso
Blair	De Blieux	Ginn
Bollinger	Dennery	Goldman
Brien	Dennis	Gravel
Brown	Deshotels	Grier
Burns	Drew	Guarisco

Hayes
 Haynes
 Hernandez
 Jack
 Jenkins
 Juneau
 Kean
 Kilbourne
 Kilpatrick
 Landry, A.
 Landry, E. J.
 Lanier
 LeBleu
 Leigh
 Lennox
 Lowe
 McDaniel
 Martin
 Miller
 Mire
 Newton
 Total—110

Delegates—
 Jackson, A.
 Total—3.

Delegates—
 Aertker
 Armentor
 Cannon
 Derbes
 Hardee
 Heine
 Lambert
 Total—19.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennis, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolution

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, and Delegate Henry, Chairman, on behalf of the Coordinating Committee, and Delegates Aertker, Blair, Casey, Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson, Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

Read.

Lies over under the rules.

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

Nunez
 O'Neill
 Ourso
 Perez
 Perkins
 Planchard
 Pugh
 Rayburn
 Reeves
 Robinson
 Roemer
 Roy
 Sandoz
 Schmitt
 Segura
 Shannon
 Singletary
 Slay
 Smith
 Soniat
 Stagg
 Stephenson
 Stinson
 Stovall
 Sutherland
 Tapper
 Tate
 Thistlewaite
 Thompson
 Tobias
 Toca
 Toomy
 Ullo
 Velazquez
 Vesich
 Vick
 Warren
 Willis
 Winchester
 Wisham
 Zervigon

NAYS

Jackson, J. Kelly

ABSENT

Landrum
 LeBreton
 Leithman
 Maubert
 Munson
 Rachal
 Riecke
 Silverberg
 Taylor
 Wall
 Weiss
 Womack

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Lies over under the rules.

Delegate Dennerly, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

August 23, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 4—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Arnette, Brien, Dennerly, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Providing for the executive branch of government, for the declaration and determination of inability of statewide elective officers, and related matters.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE IV. EXECUTIVE BRANCH

Section 1. Composition

Section 1. (A) The executive branch shall consist of the governor, lieutenant governor, secretary of state, treasurer, commissioner of agriculture, commissioner of insurance, superintendent of education, commissioner of elections, and all other executive offices, agencies, and instrumentalities of the state.

(B) All offices, agencies, and other instrumentalities of the executive branch of state government and their respective functions, powers, duties, and responsibilities, except for the offices of governor and lieutenant governor, shall be allocated, according to function, within not more than twenty departments.

Section 2. Qualifications

Section 2. (A) To be eligible for any statewide elective office a person must have attained the age of twenty-five years by the date of his qualification as a candidate for office, be an elector and be a citizen of the United States and of this state for at least five years immediately preceding the date of his qualification as a candidate for office. He shall hold no other public office, except by virtue of his office, during his tenure in office.

(B) The attorney general shall be the state's chief legal officer, head the department of justice, and shall have been admitted to the practice of law in this state for at least the five years immediately preceding his election.

Section 3. Elections and Terms

Section 3. (A) The governor, lieutenant governor, secretary of state, attorney general, commissioner of agriculture, commissioner of elections, commissioner of insurance, superintendent of education and treasurer shall each be elected for a term of four years by the electors of the state, at the time and place of voting for members of the legislature. A person who has served as governor for more than one and one-half terms in two consecutive terms shall not be elected governor for the next succeeding term.

(B) The term of office of each elected official enumerated in this section shall begin at noon on the second Monday in March next following the election.

(C) No official shall be elected statewide, except as provided by this constitution.

Section 4. Compensation

Section 4. Except as otherwise provided in this constitution, the compensation of each elected official shall be fixed by the legislature.

Section 5. Powers and Duties of Governor

Section 5. (A) Executive Authority. The governor shall be the chief executive officer of the state and shall faithfully support the constitution and laws of the state and the United States.

(B) Legislative Reports and Recommendations. The governor shall, at the beginning of each regular session of the legislature, and may at other times, make reports and recommendations and give information to the legislature concerning the affairs of state, including its complete financial condition.

(C) Reports and Information. Any department head shall provide the governor with reports and information, in writing or otherwise, when requested by him on any subject relating to such department, excepting matters relating to investigations of the governor's office.

(D) Operating Budget. The governor shall submit to the legislature, at a time fixed by law, a proposed state budget for the next fiscal year setting forth all proposed state expenditures and anticipated state revenues.

(E) Capital Budget. The governor shall submit to each regular session of the legislature a proposed five-year capital outlay program with a request for implementation of the first year of the five-year program.

(F) Pardon, Commutation, Reprieve, and Remission; Board of Pardons. (1) The governor shall have the power to grant reprieves to those convicted of offenses against the state and upon the recommendation of the Board of Pardons may grant commutation of sentence, may pardon those convicted of offenses against the state and may remit fines and forfeitures imposed for such offenses; provided, however, that each first offender who has never previously been convicted of a felony shall be eligible for pardon automatically upon completion of his sentence without the aforementioned recommendation.

(2) The Board of Pardons shall consist of five electors appointed by the governor, subject to confirmation by the Senate. Members of such board shall serve a term concurrent with that of the governor appointing them.

(G) Receipt of Bills from the Legislature. The date and hour when a bill passed by the legislature is delivered to the governor shall be endorsed thereon.

(H) Item Veto. (1) The governor may veto any line item in an appropriation bill. The items vetoed shall be void unless the veto is overridden as prescribed for the passage of any bill over a veto.

(2) The governor shall either veto line items, or use other means provided in the bill, in order that total appropriations for the year shall not exceed anticipated revenues for the year.

(I) Appointments. (1) The governor shall appoint, subject to confirmation by the Senate, the heads of all departments in the executive branch whose election or appointment is not provided for by this constitution and all members of boards and commissions in the executive branch whose election or appointment is not otherwise provided for by this constitution or by statute.

(2) Should the legislature be in session, the governor shall submit for confirmation by the Senate the names of those appointed within forty-eight hours after the appointment is made. Failure of the Senate to confirm, prior to the end of the session, shall constitute rejection of the appointment.

(3) Should the legislature not be in session, the governor may make interim appointments, which shall expire at the end of the next session of the legislature, unless submitted to and confirmed by the Senate during such session.

(4) A person not confirmed by the Senate shall not be appointed to the same office during any recess of the legislature.

(J) Removal. The governor may remove from office those whom he appoints, except those appointed for a term fixed by this constitution or as may be fixed by statute.

(K) Commander-in-Chief. The governor shall be commander-in-chief of the armed forces of the state, except when they are called into service of the federal government. He may call out the armed forces of the state to preserve law and order, to suppress insurrection, to repel invasion, or in other times of emergency.

(L) Other Powers and Duties. The governor shall have

such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Section 6. Powers and Duties of the Lieutenant Governor

Section 6. The lieutenant governor shall serve *ex officio* as a member of each committee, board, and commission on which the governor serves, exercise the powers delegated to him by the governor, and have such other powers and perform such other duties in the executive branch as may be authorized by this constitution or provided by statute.

Section 7. Powers and Duties of the Secretary of State

Section 7. There shall be a department of state headed by the secretary of state, who shall be the chief election officer of the state and shall prepare and certify the ballots for all elections and promulgate all election returns; administer the election laws except for those relating to voter registration and custody of voting machines; administer the state corporation and trademark laws; serve as keeper of the Great Seal of the State of Louisiana and attest therewith all official laws, documents, proclamations, and commissions; administer and preserve the official archives of the state; promulgate, publish, and retain the originals of all laws enacted by the legislature; and countersign all commissions and keep an official registry of same. He may administer oaths, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Section 8. Powers and Duties of the Attorney General

Section 8. There shall be a department of justice headed by the attorney general who shall be the state's chief legal officer.

Section 9. Powers and Duties of the Treasurer

Section 9. There shall be a department of treasury headed by the state treasurer who shall be responsible for the custody, investment, and disbursement of the public funds of the state, except as otherwise provided by this constitution. He shall report annually to the governor and the legislature at least one month in advance of the regular session on the financial condition of the state, and shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Section 10. Powers and Duties of the Commissioner of Agriculture

Section 10. There shall be a department of agriculture headed by the commissioner of agriculture, who shall exercise all functions of the state in relation to the promotion, protection, and advancement of agriculture except such research and educational functions expressly allocated by this constitution or by statute to other state agencies. The department shall exercise such functions and the commissioner shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Section 11. Powers and Duties of the Commissioner of Insurance

Section 11. There shall be a department of insurance headed by the commissioner of insurance. The department shall exercise such functions and the commissioner shall have such powers and perform such duties as may be authorized by this constitution or provided by statute.

Section 12. Department of Elections and Registration

Section 12. There shall be a department of elections and registration headed by the state commissioner of elections who shall administer the laws relative to custody of voting machines and voter registration. The commissioner shall have such powers and perform such duties as may be authorized by this constitution or provided by statute.

Section 13. First Assistants

Section 13. Each statewide elected official, except the governor and lieutenant governor, shall appoint a first assistant, subject to public confirmation by the Senate, and may remove him at his pleasure. The official shall submit such appointment to the Senate in the same manner in which the governor submits appointments, and shall be subject to the same procedures and limitations in connection therewith as are imposed upon the governor. The first assistant shall

possess the same qualifications as those required for election to that office.

Section 14. Vacancy in Office of Governor

Section 14. The order of succession in the office of governor in the event of vacancy shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then as may be provided by statute. Successors shall serve the remaining term for which the governor was elected.

Section 15. Vacancy in Office of Lieutenant Governor

Section 15. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

Section 16. Vacancies in Other Statewide Elective Offices

Section 16. A vacancy in any statewide elective office, other than that of governor or lieutenant governor, shall be filled by the first assistant of such official; however, if the unexpired term remaining is more than one year, the office shall be filled by election held at the next regularly scheduled congressional election or statewide election, and the first assistant shall serve only until the person then elected takes office.

Section 17. Other Vacancies

Section 17. (A) Should no other provision therefor be made by this constitution, by statute, by local government charter, by home rule charter or plan of government, or by ordinance, the governor shall have the power to fill any vacancy occurring in any elective office. If, at the time a vacancy occurs in such office, the unexpired portion of the term of office is more than one year, the vacancy shall be filled at an election, as may be provided by statute. The appointment provided for herein shall be effective only until a successor is duly elected and qualified.

(B) Nothing in this Section shall be construed as changing the qualifications for the various offices involved, and all appointments must be of persons who otherwise would be eligible to hold offices to which appointed.

Section 18. Definition of Vacancy

Section 18. A vacancy as used in this constitution shall occur in the event of death, resignation, removal by any means, or the failure to take office for any reason.

Section 19. Declaration of Inability

Section 19. Whenever a statewide elective official transmits to the presiding officer of the Senate and the presiding officer of the House of Representatives a written declaration that he is unable to discharge the powers and duties of the office and until he transmits to them a written declaration to the contrary, the person succeeding to the office in the event of a vacancy shall assume the powers and duties of the office as acting official.

Section 20. Determination of Inability

Section 20. (A) Whenever a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit to the presiding officer of each house of the legislature and to such official, and shall file in the office of the secretary of state, their written declaration that such official is unable to exercise the powers and perform the duties of his office. Thereafter the constitutional successor shall assume the office as acting official unless, within forty-eight hours after such filing in the office of the secretary of state, such official files in said office and transmits to said presiding officers his written counter-declaration that he is able to exercise such powers and perform such duties.

(B) The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by such official at any time. Should two-thirds of the elected members of each house of the legislature fail to adopt a resolution within seventy-two hours declaring that probable justification for the determination that inability exists, such officer shall continue or resume in office.

(C) Should two-thirds of the elected members of each house so adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and such resolution shall be transmitted forthwith to the Supreme Court of Louisiana.

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(D) By preference and priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to said court, under such rules as it may adopt.

(E) A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of such official. Upon proper showing and by majority vote of its elected members, the court may, upon such reconsideration, determine that no inability then exists, whereupon such officer shall immediately resume the powers and duties of his office.

Section 21. Absences

Section 21. In the event of a temporary absence of the governor from the state, the lieutenant governor shall act as governor. In the event of a temporary absence of a statewide elected official from the state, the appointed first assistant shall act in his absence.

Section 22. Reorganization

Section 22. Reallocation of the functions, powers, and duties of all departments, offices, agencies, and other instrumentalities of the executive branch except those functions, powers, duties, and departments allocated by this constitution shall be as provided by statute.

Section 23. Appointment of Officials; Merger, Consolidation of Offices and Departments

Section 23. After the first election of state officials following adoption of this constitution, the legislature may, by a favorable vote of two-thirds of the elected members of each house, provide for appointment, in lieu of election, of the state superintendent of education, the commissioner of insurance, the commissioner of agriculture, the state commissioner of elections, or any of them. In such event the legislature shall prescribe qualifications and method of appointment and by similar vote, may provide that any such offices, their departments and functions be merged or consolidated with any other office or department in the executive branch. No action of the legislature, pursuant hereto, shall reduce the term or compensation of any elected official. By a vote of two-thirds of the elected members of each house, the legislature may re-establish any of such offices as an elective office and, in such event, shall prescribe qualifications.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, August 29, 1973, at 6:30 o'clock P.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

The Committee will hold public hearings and discuss Delegate and Committee proposals on Civil Service in the following order:

1. State Civil Service
2. City Civil Service

Respectfully submitted,

DELEGATE ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Aertker—½ day.
Delegate Cannon—½ day.
Delegate Weiss—½ day.
Delegate Wall—2 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Friday, August 24, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, August 24, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, August 24, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a. m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Giarrusso	Pugh
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Silverberg
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Cannon	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leigh	Toca
Dennery	Lennox	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Warren
Duval	Mire	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ouro	Zervigon
Total—126.		

ABSENT

Delegates—		
Armentor	Leithman	Taylor
LeBreton	Riecke	Wall
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Toca led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Chehardy, the reading of the Journal
was dispensed with.

On motion of Delegate Chehardy, the Journal of yester-
day was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Committee
Resolutions**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 41—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner
of agriculture.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 42—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner
of elections.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 43—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner of
insurance.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 44—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of alternative proposals rela-
tive to the method of selecting the commissioner of
agriculture, the commissioner of elections, and the com-
missioner of insurance.

Read.

Lies over under the rules.

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolu-
tions on second reading to be referred to Committees were
taken up, read, and referred to Committees, as follows:

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf
of the Committee on Legislative Liaison and Transitional
Measures, and Delegate Henry, Chairman, on behalf of the
Coordinating Committee, and Delegates Aertker, Blair, Casey,
Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J.
Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson,
Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack
and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

Read.

Under the rules the above resolution was referred to the Committee on Legislative Liaison and Transitional measures.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubaret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Read.

Reported favorably by the Committee on Executive Department.

Ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state and local government.

Read.

Reported favorably by the Committee on Executive Department.

Ordered engrossed and passed to its third reading.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government.

Read.

The Chairman announced that the Convention had under consideration the above Proposal when it adjourned on Thursday, August 23, 1973, which was taken up and acted upon as follows:

Section 29. Defense of Criminal Prosecution; Removal

Section 29. No district attorney or assistant district attorney shall appear, plead or in any way defend, or assist in defending any criminal prosecution or charge. A violation shall be cause for removal.

Read.

Delegate Velazquez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Velazquez, Warren, and Jack to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 25, immediately after "Section 29." and before the word "No" insert "(A)"

AMENDMENT No. 2—

On page 11, between lines 28 and 29 add the following:
"(B) Any defendant in a criminal proceeding, the results of which may be imprisonment with or without hard labor for a term exceeding six months and/or fine of five hundred dollars or more, shall have the right to retain counsel, and if indigent, shall upon his request therefor be appointed competent counsel for his defense. The legislature shall provide for a uniform system for securing such counsel, including compensation."

Delegate Velazquez moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 47 yeas and 50 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 11, between lines 28 and 29, insert the following:
"(B) Any defendant in a criminal proceeding, the punishment for which may be imprisonment, if indigent, shall have competent counsel appointed for his defense. The legislature shall provide for a uniform system for securing such counsel, including compensation."

AMENDMENT No. 2—

On page 11, line 25, immediately after "Section 29." and before the word "No" insert "(A)"

Delegate Pugh moved the adoption of the amendment.

Delegate Dennis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Duval	Rachal
Alario	Edwards	Robinson
Alexander	Flory	Schmitt
Avant	Ginn	Silverberg
Badeaux	Gravel	Singletary
Bel	Grier	Soniat
Bergeron	Haynes	Stagg
Bollinger	Jackson, A.	Stephenson
Brien	Jackson, J.	Stovall
Burson	Juneau	Tobias
Carmouche	Kilpatrick	Toca
Casey	Lambert	Velazquez
Chatelain	Landrum	Warren
Chehardy	Landry, A.	Willis
Conroy	Ourso	Winchester
D'Gerolamo	Pugh	Wisham
Dennery		

Total—49.

NAYS

Delegates—

Aertker	Hayes	Perkins
Anzalone	Heine	Planchard
Arnette	Hernandez	Rayburn
Asseff	Jack	Reeves
Blair	Jenkins	Roemer
Burns	Kelly	Roy
Champagne	Kilbourne	Sandoz
Conino	Landry, E. J.	Shannon
Corne	Lanier	Slay
Cowen	LeBleu	Smith
De Blieux	Leigh	Stinson
Dennis	Lennox	Sutherland
Derbes	Lowe	Tapper
Deshotels	McDaniel	Tate
Drew	Martin	Thompson
Dunlap	Mauberret	Toomy
Elkins	Miller	Ullo
Fontenot	Mire	Vesich
Fowler	Munson	Vick
Gauthier	Nunez	Weiss
Giarrusso	O'Neill	Womack
Goldman	Perez	Zervigon
Hardee		

Total—67.

ABSENT

Delegates—

Mr. Chairman	Guarisco	Segura
Armentor	Kean	Taylor
Brown	LeBreton	Thistlethwaite
Cannon	Leithman	Wall
Fayard	Newton	
Fulco	Riecke	

Total—16.

And the amendments were rejected.

Delegate Alexander moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 29, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Alario	Arnette
Abraham	Alexander	Asseff
Aertker	Anzalone	Avant

Badeaux	Gravel	Perkins
Bel	Grier	Planchard
Bergeron	Hardee	Pugh
Blair	Hayes	Rayburn
Bollinger	Haynes	Reeves
Brien	Heine	Robinson
Burns	Hernandez	Roemer
Burson	Jack	Roy
Carmouche	Jackson, A.	Sandoz
Casey	Jackson, J.	Shannon
Champagne	Jenkins	Silverberg
Chatelain	Juneau	Singletary
Chehardy	Kelly	Slay
Conino	Kilbourne	Smith
Conroy	Kilpatrick	Soniat
Corne	Lambert	Stagg
Cowen	Landrum	Stephenson
D'Gerolamo	Landry, A.	Stinson
De Blieux	Landry, E. J.	Stovall
Dennery	Lanier	Sutherland
Dennis	LeBleu	Tapper
Derbes	Leigh	Tate
Deshotels	Lennox	Thompson
Drew	Lowe	Tobias
Dunlap	McDaniel	Toca
Duval	Martin	Toomy
Edwards	Mauberret	Ullo
Elkins	Miller	Vesich
Flory	Mire	Vick
Fontenot	Munson	Weiss
Fowler	Newton	Willis
Fulco	Nunez	Winchester
Gauthier	O'Neill	Wisham
Giarrusso	Ourso	Womack
Goldman	Perez	Zervigon

Total—115.

NAYS

Delegates—

Rachal	Velazquez
Schmitt	Warren

Total—4.

ABSENT

Delegates—

Armentor	Kean	Taylor
Brown	LeBreton	Thistlethwaite
Cannon	Leithman	Wall
Fayard	Riecke	
Guarisco	Segura	

Total—13.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 30. Sheriff; Duties; Tax Collector

Section 30. In each parish, a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem taxes and such other taxes and licenses as provided by law.

Read.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey, Dennery, Zervigon, Edwards, Martin, and Ourso to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, between lines 3 and 4, insert the following: "This section shall not apply to the parish of Orleans."

Delegate Casey moved the adoption of the amendment.

Delegate Champagne objected.

By a vote of 104 yeas and 15 nays the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Schmitt, Velazquez, and Champagne to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, between lines 3 and 4, insert the following: "This section shall not apply to any parish in which there may be a provision in a city or parish home rule charter or plan of government to the contrary."

AMENDMENT No. 2—

Strike out Amendment No. 1 proposed by Delegate Casey and adopted by the Convention on August 24, 1973.

On motion of Delegate Schmitt the amendments were withdrawn.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Schmitt, Velazquez, and Champagne to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, between lines 3 and 4, insert the following: "This section shall not apply to any parish in which there may be a provision in a parish home rule charter or plan of government to the contrary."

Delegate Schmitt moved the adoption of the amendment.

Delegate Dennis objected.

By a vote of 17 yeas and 96 nays the amendment was rejected.

Delegate Dennis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 30, was read as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Brown	Dennis
Abraham	Burns	Derbes
Aertker	Burson	Deshotels
Alario	Carmouche	Drew
Alexander	Casey	Dunlap
Anzalone	Champagne	Duval
Arnette	Chatelain	Edwards
Asseff	Chehardy	Elkins
Avant	Conino	Fayard
Badeaux	Conroy	Flory
Bel	Corne	Fontenot
Bergeron	Cowen	Fowler
Blair	D'Gerolamo	Fulco
Bollinger	De Blieux	Gauthier
Brien	Denney	Giarrusso

Ginn
Goldman
Gravel
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh

Total—120.

Lennox
Lowe
McDaniel
Martin
Mauberet
Miller
Mire
Munson
Newton
Nunez
O'Neill
Ourso
Perez
Perkins
Planchard
Pugh
Rachal
Rayburn
Reeves
Robinson
Roemer
Roy
Sandoz
Shannon
Silverberg

Singletary
Slay
Smith
Soniat
Stagg
Stephenson
Stinson
Stovall
Tapper
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Uilo
Velazquez
Vesich
Vick
Warren
Weiss
Willis
Winchester
Wisham
Zervigon

NAYS

Delegate Schmitt
Total—1.

ABSENT

Delegates—
Armentor
Cannon
Guarisco
LeBreton
Total—11.

Leithman
Riecke
Segura
Sutherland
Taylor
Wall
Womack

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 31. Clerks; Election; Powers and Duties; Deputies; Office Hours

Section 31. (A) In each parish, a clerk of the district court shall be elected by the qualified electors of the parish for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have such other duties and powers as may be prescribed by law. The clerk may appoint deputies with such duties and powers as may be prescribed by law and he may appoint, with the approval of the district judges, minute clerks with such duties and powers as may be prescribed by law.

(B) The legislature shall establish statewide uniform office hours for all clerks of district courts.

Read.

Delegate Asseff sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate Asseff to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend Reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, line 6 immediately after "31." and before "In" strike out "(A)"

AMENDMENT No. 2—

On page 12 strike out lines 16 and 17 in their entirety.

Delegate Asseff moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 29 yeas and 90 nays the amendments were rejected.

Delegate A. Landry moved to reconsider the vote by

which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham, Schmitt to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, line 10, after the word "acts" and before the words "and shall" insert the following:

" , may appoint deputies, may appoint, with the approval of the district judges, minute clerks,"

AMENDMENT No. 2—

On page 12, line 11, after the period ".", delete the remainder of the line and delete lines 12 through 15, both inclusive, in their entirety

On motion of Delegate Abraham the amendment was withdrawn.

Passage

Committee Proposal No. 21, Section 31, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Giarrusso	Pugh
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Roemer
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bel	Haynes	Schmitt
Bergeron	Heine	Shannon
Blair	Hernandez	Silverberg
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Smith
Burns	Jenkins	Soniat
Burson	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leigh	Toca
Dennery	Lennox	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Drew	Mauberret	Vick
Dunlap	Miller	Warren
Duval	Mire	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Zervigon
Fontenot	Oursou	
Total—119.		

NAYS

Total—0.

ABSENT

Delegates—		
Armentor	LeBreton	Segura
Cannon	Leithman	Taylor
Chehardy	Riecke	Wall
Guarisco	Robinson	Womack
Lambert		
Total—13.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 32. Coroner; Election; Term; Qualifications; Duties

Section 32. In each parish, a coroner shall be elected for a term of four years with such qualifications and duties as may be prescribed by law.

Read.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Weiss, Gravel, Dunlap, Fulco, Anzalone, Planchard, Arnette, Willis, Roemer, Kelly, Burns, LeBleu, Rev. Landrum, Singletary, Aseff, to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, line 21, place a period "." after the word "years" and delete the remainder of line 21, and delete line 22 in its entirety, and insert in lieu thereof the following:

"He shall be a licensed physician and possess such other qualifications and perform such duties as are provided by law. The legislature may provide the qualifications, however, if no licensed physician is available for the office."

Delegate Weiss moved the adoption of the amendment.

Delegate Brown objected.

By a vote of 19 yeas and 94 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Weiss to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, line 21, place a period "." after the word "years" and delete the remainder of line 21, and delete line 22 in its entirety, and insert in lieu thereof the following:

"He shall be a licensed physician and possess such other qualifications and perform such duties as are provided by law; however, the requirement that he be a licensed physician shall not apply to any parish in which there is no licensed physician who will accept the office."

Delegate Weiss moved the adoption of the amendment.

Delegate Jack objected.

By a vote of 79 yeas and 34 nays the amendment was adopted.

Delegate Weiss moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 32, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Pugh
Asseff	Gravel	Reeves
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Silverberg
Brown	Jackson, A.	Singletary
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Thompson
De Blieux	LeBleu	Tobias
Dennery	Leigh	Toomy
Dennis	Lennox	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Vesich
Drew	Martin	Vick
Dunlap	Mauberret	Warren
Duval	Miller	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Zervigon
Fowler		

Total—112.

NAYS

Total—0.

ABSENT

Delegates—

Mr. Chairman	Jackson, J.	Schmitt
Aertker	LeBreton	Slay
Armentor	Leithman	Taylor
Cannon	Mire	Toca
D'Gerolamo	Rachal	Wall
Fayard	Rayburn	Womack
Haynes	Riecke	

Total—20.

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Roy in the Chair

Section 33. Vacancies

Section 33. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by: in the case of sheriff, the chief criminal deputy; district attorney, the first assistant; clerk of a district court, the chief deputy; coroner, the chief deputy. If there is no such person to assume the duties at the time of the vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint

a qualified person to assume the duties of the office until filled by election.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Burson Giarrusso, Chatelain, Conino, D'Gerolamo, Fowler, Heine, J. Jackson, Kean, Shannon, Stephenson, Toomy, Ullo, and Zervigon to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 12, delete lines 24 through 32, both inclusive, in their entirety, and on page 13, delete line 1 in its entirety and insert in lieu thereof the following:

"Section 33. (A) When a vacancy occurs in the office of district attorney, the duties of the office, until it is filled by election as provided by law, shall be assumed by the first assistant. If there is no such person to assume the duties at the time of vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

(B) A vacancy occurring in the office of sheriff, clerk of a district court, or coroner shall be filled by appointment by the governing authority of the parish until it is filled by election as provided by this constitution."

Delegate Perez moved the adoption of the amendment.

Delegate A. Landry objected.

By a vote of 36 yeas and 74 nays the amendment was rejected.

Delegate A. Landry moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 33, was read.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Dunlap	Landry, E. J.
Aertker	Duval	Lanier
Alario	Edwards	LeBleu
Anzalone	Elkins	Leigh
Asseff	Flory	Lennox
Avant	Fontenot	Lowe
Badeaux	Fowler	McDaniel
Bel	Fulco	Martin
Bergeron	Gauthier	Mauberret
Bollinger	Giarrusso	Miller
Brien	Ginn	Newton
Brown	Goldman	Nunez
Burns	Gravel	O'Neill
Cannon	Grier	Ourso
Carmouche	Guarisco	Perez
Casey	Hardee	Perkins
Champagne	Hayes	Planchard
Chatelain	Haynes	Pugh
Chehardy	Hernandez	Reeves
Conino	Jack	Robinson
Conroy	Jackson, A.	Roemer
Corne	Jackson, J.	Sandoz
Cowen	Jenkins	Segura
D'Gerolamo	Juneau	Shannon
De Blieux	Kean	Silverberg
Dennery	Kelly	Singletary
Dennis	Kilbourne	Smith
Derbes	Kilpatrick	Soniat
Deshotels	Lambert	Stagg
Drew	Landry, A.	Stephenson

Stinson	Toca	Weiss
Stovall	Toomy	Willis
Tapper	Ullo	Winchester
Tate	Velazquez	Wisham
Thistlethwaite	Vesich	Zervigon
Thompson	Vick	
Tobias	Warren	
Total—109.		

NAYS

Delegates—	Landrum	Sutherland
Burson		
Total—3.		

ABSENT

Delegates—	LeBreton	Roy
Mr. Chairman	Leithman	Schmitt
Alexander	Mire	Slay
Armentor	Munson	Taylor
Arnette	Rachal	Wall
Blair	Rayburn	Womack
Fayard	Riecke	
Heine		
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 34. Reduction of Salaries and Benefits Prohibited

Section 34. No attorney general, district attorney, sheriff, or clerk of the district court shall have his salary or retirement benefits diminished during his term of office.

Read.

Delegate Conino sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Conino to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 4, immediately after "general," delete the remainder of the line and insert in lieu thereof the following:

"judge, district attorney, sheriff, coroner,"

Delegate Conino moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 53 yeas and 51 nays the amendment was adopted.

Delegate Conino moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 34, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Bergeron	Casey
Aertker	Bollinger	Champagne
Alario	Brien	Chehardy
Anzalone	Brown	Conino
Arnette	Burns	Corne
Asseff	Burson	Cowen
Avant	Cannon	D'Gerolamo
Badeaux	Carmouche	Dennery
Bel		

Dennis	Juneau
Derbes	Kean
Deshotels	Kilbourne
Drew	Kilpatrick
Dunlap	Landrum
Duval	Landry, A.
Edwards	Landry, E. J.
Elkins	Lanier
Fontenot	LeBleu
Fowler	Leigh
Fulco	Lennox
Gauthier	Lowe
Giarrusso	McDaniel
Ginn	Martin
Goldman	Mauberret
Gravel	Miller
Grier	Newton
Guarisco	O'Neill
Hayes	Ourso
Haynes	Perkins
Heine	Planchard
Hernandez	Pugh
Jack	Reeves
Jackson, A.	Robinson
Jackson, J.	Roemer
Jenkins	Roy
Total—102.	

NAYS

Delegates—	Kelly	Stagg
Abraham	Nunez	Stinson
Chatelain	Perez	Tobias
Conroy	Schmitt	
De Blieux		
Total—12.		

ABSENT

Delegates—	Hardee	Riecke
Mr. Chairman	LeBreton	Slay
Alexander	Leithman	Taylor
Armentor	Mire	Wall
Blair	Munson	Womack
Fayard	Rachal	
Flory	Rayburn	
Lambert		
Total—18.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Section 35. Orleans Parish Courts, Officials; Continued

Section 35. Notwithstanding any provision of this Article to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a majority vote of the elected members of each house of the legislature and by approval in a referendum in the parish: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages. These officers shall be elected for four-year terms with such duties and powers as provided by the legislature and terms of office, retirement benefits, or compensation shall not be reduced during their terms of office.

The civil district court shall have civil jurisdiction as provided in Section 16 of this Article and the criminal district court shall have criminal jurisdiction as provided in Section 16 of this Article.

The judicial expense fund of Orleans Parish as existing at the time of the adoption of this constitution is retained subject to change by two-thirds vote of the elected members of each house of the legislature.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 13, delete lines 8 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 35. Except for provisions relating to terms of office as provided elsewhere in this Article and notwithstanding any other provision of this constitution to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a vote of two-thirds of the elected members of each house of the legislature: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages."

Motion

Delegate Smith moved the previous question on the amendment.

Delegate J. Jackson objected.

By a vote of 26 yeas and 77 nays the Convention refused to order the previous question at this time.

Delegate Casey moved the adoption of the amendment.

Delegate Juneau objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Giarrusso	Perez
Avant	Ginn	Perkins
Badeaux	Goldman	Pugh
Bel	Gravel	Reeves
Bergeron	Haynes	Robinson
Brien	Heine	Roy
Burns	Jackson, J.	Sandoz
Burson	Jenkins	Segura
Cannon	Kean	Silverberg
Carmouche	Kelly	Soniat
Casey	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Cowen	Landry, A.	Thistlethwaite
De Blieux	Landry, E. J.	Velazquez
Dennery	Leigh	Vesich
Derbes	Lennox	Vick
Deshotels	Martin	Warren
Elkins	Mauberret	Winchester
Flory	Nunez	Wisham
Fulco	O'Neill	Zervigon
Total—60.		

NAYS

Delegates—		
Abraham	Fontenot	Planchard
Aertker	Fowler	Roemer
Alario	Gauthier	Schmitt
Arnette	Grier	Shannon
Asseff	Guarisco	Singletary
Bollinger	Hardee	Smith
Brown	Hayes	Stagg
Champagne	Hernandez	Stephenson
Chatelain	Jack	Stinson
Chehardy	Jackson, A.	Thompson
Conroy	Juneau	Tobias
Corne	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
Dennis	Lowe	Ullo
Drew	McDaniel	Weiss
Dunlap	Miller	Willis
Duval	Newton	
Total—50.		

ABSENT

Delegates—		
Mr. Chairman	LeBreton	Riecke
Anzalone	Leithman	Slay
Armentor	Mire	Stovall
Blair	Munson	Tate
Edwards	Ourso	Taylor
Fayard	Rachal	Wall
Kilbourne	Rayburn	Womack
Lambert		
Total—22.		

And the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 13, line 8, in Floor Amendment No. 1 proposed by Delegate Casey and adopted by the convention on August 24, 1973, in line 5, delete the word "two-thirds" and insert in lieu thereof the words "a majority"

Delegate Juneau moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 65 yeas and 48 nays the amendment was adopted.

Delegate Fontenot moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 35, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Deshotels	Landry, A.
Abraham	Drew	Landry, E. J.
Aertker	Dunlap	Lanier
Alario	Duval	LeBleu
Alexander	Edwards	Leigh
Anzalone	Elkins	Lowe
Arnette	Flory	McDaniel
Asseff	Fontenot	Martin
Avant	Fowler	Mauberret
Badeaux	Fulco	Miller
Bergeron	Gauthier	Newton
Bollinger	Giarrusso	Nunez
Brien	Ginn	O'Neill
Brown	Goldman	Ourso
Burns	Gravel	Perez
Burson	Grier	Perkins
Cannon	Guarisco	Planchard
Carmouche	Hardee	Pugh
Casey	Hayes	Reeves
Champagne	Haynes	Robinson
Chatelain	Heine	Roemer
Chehardy	Hernandez	Roy
Conino	Jack	Sandoz
Conroy	Jackson, A.	Schmitt
Corne	Jackson, J.	Segura
Cowen	Jenkins	Shannon
D'Gerolamo	Juneau	Silverberg
De Blieux	Kean	Singletary
Dennery	Kilbourne	Smith
Dennis	Kilpatrick	Soniat
Derbes	Landrum	Stagg

Stephenson	Tobias	Warren
Stinson	Toca	Weiss
Sutherland	Toomy	Willis
Tapper	Ullo	Winchester
Tate	Velazquez	Wisham
Thistlethwaite	Vesich	Zervigon
Thompson	Vick	
Total—113.		

NAYS

Delegates—		
Bel	Kelly	Lennox
Total—3.		

ABSENT

Delegates—		
Armentor	Mire	Slay
Blair	Munson	Stovall
Fayard	Rachal	Taylor
Lambert	Rayburn	Wall
LeBreton	Riecke	Womack
Leithman		
Total—16.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 36. Jurors; Qualifications; Exemptions

Section 36. The supreme court by rule shall provide for qualification and exemption of jurors.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh and Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 13, delete lines 31 and 32, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 36. (A) A citizen of the state, who is domiciled within the parish in which he is to serve as a juror and who has reached the age of majority, is eligible to serve as a juror. The legislature may provide additional qualifications.

(B) The supreme court by rule shall provide for exemption of jurors."

Delegate A. Landry moved the adoption of the amendment.

Delegate Deshotels objected.

By a vote of 94 yeas and 15 nays the amendment was adopted.

Delegate A. Landry moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Roy in the Chair

Delegate Stinson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stinson to Committee Proposal No. 21 by Delegate Dennis, et al.

AMENDMENT No. 1—

On page 13, immediately below line 32, add the following paragraph:

"Notwithstanding any other provision of this constitution, no woman shall be drawn for jury service unless she shall

have previously filed with the clerk of the district court a written declaration of her desire to be subject to such service."

Delegate Stinson moved the adoption of the amendment.

Delegate Dunlap objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Anzalone	Kilbourne	Sutherland
Asseff	LeBleu	Weiss
Drew	Perez	
Fowler	Stinson	
Total—10.		

NAYS

Delegates—		
Mr. Chairman	Flory	Nunez
Abraham	Fontenot	O'Neill
Aertker	Fulco	Ourso
Alario	Gauthier	Perkins
Alexander	Giarrusso	Planchard
Arnette	Ginn	Pugh
Avant	Goldman	Reeves
Badeaux	Gravel	Robinson
Bel	Grier	Roemer
Bergeron	Guarisco	Sandoz
Bollinger	Hardee	Segura
Brien	Hayes	Shannon
Brown	Haynes	Silverberg
Burns	Heine	Singletary
Burson	Hernandez	Smith
Carmouche	Jack	Soniat
Casey	Jackson, A.	Stagg
Champagne	Jackson, J.	Stephenson
Chatelain	Jenkins	Tapper
Chehardy	Kean	Tate
Conino	Kelly	Thistlethwaite
Conroy	Kilpatrick	Thompson
Corne	Landrum	Tobias
Cowen	Landry, A.	Toca
De Blieux	Landry, E. J.	Toomy
D'Gerolamo	Lanier	Ullo
Dennery	Leigh	Velazquez
Dennis	Lennox	Vesich
Derbes	Lowe	Vick
Deshotels	McDaniel	Warren
Dunlap	Martin	Willis
Duval	Mauberrret	Winchester
Edwards	Miller	Wisham
Elkins	Newton	Zervigon
Total—102.		

ABSENT

Delegates—		
Armentor	Leithman	Schmitt
Blair	Mire	Slay
Cannon	Munson	Stovall
Fayard	Rachal	Taylor
Juneau	Rayburn	Wall
Lambert	Riecke	Womack
LeBreton	Roy	
Total—20.		

And the amendment was rejected.

Delegate Zervigon moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 36, was read as amended.

Delegate A. Landry moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

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36th Days Proceedings—August 24, 1973

YEAS

Delegates—		
Mr. Chairman	Fontenot	O'Neill
Abraham	Fowler	Ourso
Aertker	Fulco	Perez
Alario	Gauthier	Perkins
Alexander	Giarrusso	Planchard
Anzalone	Ginn	Pugh
Arnette	Goldman	Reeves
Avant	Gravel	Robinson
Badeaux	Grier	Roemer
Fel	Guarisco	Roy
Bergeron	Hardee	Sandoz
Bollinger	Hayes	Segura
Brien	Haynes	Shannon
Brown	Heine	Silverberg
Burns	Hernandez	Singletary
Burson	Jack	Smith
Carmouche	Jackson, A.	Soniat
Casey	Jackson, J.	Stagg
Champagne	Jenkins	Stephenson
Chatelain	Kean	Sutherland
Chehardy	Kelly	Tapper
Conino	Kilbourne	Tate
Conroy	Kilpatrick	Thistlethwaite
Corne	Landrum	Thompson
Cowen	Landry, A.	Tobias
De Blieux	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
Dennery	LeBleu	Ullo
Dennis	Leigh	Velazquez
Derbes	Lennox	Vesich
Deshotels	Lowe	Vick
Drew	McDaniel	Warren
Dunlap	Martin	Weiss
Duval	Mauberret	Willis
Edwards	Miller	Winchester
Elkins	Newton	Wisham
Flory	Nunez	Zervigon
Total—111.		

NAYS

Delegates—	
Asseff	Stinson
Total—2.	

ABSENT

Delegates—		
Armentor	Leithman	Schmitt
Blair	Mire	Slay
Cannon	Munson	Stovall
Fayard	Rachal	Taylor
Juneau	Rayburn	Wall
Lambert	Riecke	Womack
LeBreton		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate A. Landry moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 37. Grand Jury

Section 37. There shall be a grand jury or grand juries in each parish whose duties and responsibilities shall be provided by law and whose qualifications shall be as provided in Section 6 of this Article. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

Read.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Pugh and Perez to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, line 3, after the word "whose" and before the word "duties" insert the word and punctuation "qualifications,"

AMENDMENT No. 2—

On page 14, line 4, after the words "by law" and before the words "and whose" insert a period "." and delete the remainder of the line and at the beginning of line 5, delete the following:

"vided in Section 6 of this Article."

Delegate Pugh moved the adoption of the amendments.

Delegate Champagne objected.

By a vote of 92 yeas and 2 nays the amendments were adopted.

Delegate Pugh moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean and Thistlethwaite to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, line 6, after the partial word "ceedings" delete the remainder of the line

Delegate Kean moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention:

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Jackson, A.	Roy
Aertker	Jackson, J.	Shannon
Asseff	Jenkins	Silverberg
Brien	Juneau	Singletary
Champagne	Kean	Smith
De Blieux	Kelly	Stinson
Dennery	LeBleu	Tapper
Fulco	Perkins	Tate
Goldman	Planchard	Thistlethwaite
Hayes	Robinson	Thompson
Jack	Roemer	Tobias
Total—33.		

NAYS

Delegates—		
Alario	Drew	Lennox
Alexander	Dunlap	Lowe
Anzalone	Duval	McDaniel
Arnette	Edwards	Martin
Avant	Elkins	Mauberret
Badeaux	Flory	Miller
Bel	Fontenot	Newton
Bergeron	Fowler	Nunez
Bollinger	Gauthier	O'Neill
Brown	Giarrusso	Ourso
Burson	Ginn	Perez
Carmouche	Gravel	Pugh
Casey	Grier	Reeves
Chatelain	Guarisco	Sandoz
Chehardy	Hardee	Soniat
Conino	Heine	Stagg
Conroy	Hernandez	Stephenson
Corne	Kilbourne	Sutherland
Cowen	Kilpatrick	Toca
D'Gerolamo	Landrum	Toomy
Dennis	Landry, A.	Ullo
Derbes	Landry, E. J.	Velazquez
Deshotels	Lanier	Vick

Warren Weiss Total—74.	Willis Wisham	Zervigon
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ABSENT

Delegates— Mr. Chairman Armentor Blair Burns Cannon Fayard Haynes Lambert LeBreton Total—25.	Leigh Leithman Mire Munson Rachal Rayburn Riecke Schmitt	Segura Slay Stovall Taylor Vesich Wall Winchester Womack
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And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez, Gravel, Kilbourne, Nunez, Rayburn, and Burson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, line 2, between "Section 37." and the word "There" insert "(A)"

AMENDMENT No. 2—

On page 14, between lines 7 and 8, insert the following: "(B) Except as otherwise provided in this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution in his district, shall be the representative of the state in his district before the grand jury, and its legal advisor. He shall perform such other duties as may be provided by law."

Point of Order

Delegate Conroy asked a ruling from the Chair as to whether the subject matter contained in the amendment was germane to the Section under consideration.

Ruling of the Chair

The Chair ruled that the subject matter contained in the amendment was germane to the Section under consideration.

Delegate Conroy appealed the ruling of the Chair.

Under the rules the vote recurred on the motion to sustain the Chair.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Alario Anzalone Arnette Asseff Avant Badeaux Bel Burson Casey Chatelain	Chehardy Conino Corne D'Gerolamo De Blieux Derbes Deshotels Drew Dunlap Edwards Flory	Fowler Fulco Giarrusso Ginn Gravel Haynes Heine Jackson, A. Jenkins Juneau Kean
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Kelly Kilbourne Kilpatrick Landrum Landry, A. Lanier LeBleu Martin Mauberet Newton Nunez Total—64.	O'Neill Ourso Perez Perkins Planchard Pugh Reeves Robinson Roy Sandoz Stephenson
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NAYS

Delegates— Abraham Aertker Alexander Bergeron Bollinger Brien Brown Carmouche Conroy Denney Dennis Duval Elkins Fontenot Total—41.	Goldman Grier Guarisco Hardee Hayes Hernandez Jack Jackson, J. Landry, E. J. Lennox Lowe McDaniel Miller Roemer	Shannon Silverberg Singletary Smith Soniat Stagg Sutherland Thompson Tobias Uilo Velazquez Vick Weiss
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ABSENT

Delegates— Armentor Blair Burns Cannon Champagne Cowen Fayard Gauthier Lambert Total—27.	LeBreton Leigh Leithman Mire Munson Rachal Rayburn Riecke Schmitt	Segura Slay Stovall Tate Taylor Wall Warren Winchester Womack
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And the Chair was sustained.

Motion

Delegate Smith moved the previous question on the entire subject matter.

Delegate Tapper objected.

By a vote of 19 yeas and 81 nays the Convention refused to order the previous question at this time.

Delegate Perez moved the adoption of the amendments.

Delegate Tate objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Abraham Aertker Alario Alexander Anzalone Arnette Asseff Avant Badeaux Bel Bergeron Bollinger Brien Brown Burson Carmouche Champagne Chatelain Chehardy	Conino Corne D'Gerolamo Deshotels Drew Dunlap Duval Edwards Fayard Flory Fontenot Fowler Fulco Gauthier Giarrusso Ginn Goldman Gravel Grier Hayes	Haynes Heine Hernandez Jenkins Juneau Kean Kelly Kilbourne Kilpatrick Landrum Landry, A. Lanier LeBleu Lowe Martin Mauberet Newton Nunez O'Neill Ouros
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Perez	Stephenson	Ullo
Perkins	Stinson	Vesich
Planchard	Tapper	Weiss
Reeves	Thistlethwaite	Willis
Robinson	Thompson	Wisham
Roy	Toca	
Silverberg	Toomy	
Total—79.		

NAYS

Delegates—	Jackson, A.	Soniat
Casey	Landry, E. J.	Stagg
Conroy	Lennox	Sutherland
De Blieux	McDaniel	Tate
Dennery	Miller	Tobias
Dennis	Roemer	Velazquez
Derbes	Sandoz	Vick
Elkins	Singletary	Warren
Guarisco	Smith	Zervigon
Hardee		
Jack		
Total—28.		

ABSENT

Delegates—	Leithman	Segura
Armentor	Mire	Shannon
Blair	Munson	Slay
Burns	Pugh	Stovall
Cannon	Rachal	Taylor
Cowen	Rayburn	Wall
Jackson, J.	Riecke	Winchester
Lambert	Schmitt	Womack
LeBreton		
Leigh		
Total—25.		

And the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tapper sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tapper to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, between lines 7 and 8 add the following paragraph:

“(C) At all stages of grand jury proceedings, anyone testifying in such proceedings shall have the right to the advice of counsel while testifying.”

Delegate Tapper moved the adoption of the amendment.

Delegate Grier objected.

By a vote of 89 yeas and 10 nays the amendment was adopted.

Delegate Tapper moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, in Floor Amendment No. 2, proposed by

Delegates Perez, et al., at the end of line 3 after the word “district” add the following:

“in which the district court has jurisdiction”

On motion of Delegate Burson the amendment was withdrawn

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 14, in Floor Amendment No. 2, proposed by Delegates Perez, et al., on line 3 after the word “prosecution” and before the word “in” insert the following: “by the state”

Delegate Burson moved the adoption of the amendment.

By a vote of 97 yeas and 0 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 37, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fayard	Nunez
Mr. Chairman	Flory	O'Neill
Abraham	Fowler	Ourso
Aertker	Fulco	Perez
Alario	Gauthier	Perkins
Alexander	Giarrusso	Planchard
Anzalone	Ginn	Reeves
Arnette	Goldman	Robinson
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hayes	Silverberg
Bergeron	Haynes	Singletary
Bollinger	Hernandez	Smith
Brien	Jack	Soniat
Brown	Jackson, A.	Stagg
Burson	Jackson, J.	Stephenson
Casey	Jenkins	Sutherland
Champagne	Juneau	Tapper
Chatelain	Kelly	Tate
Chehardy	Kilbourne	Thistlethwaite
Conino	Kilpatrick	Thompson
Conroy	Landrum	Tobias
Corne	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Toomy
De Blieux	Lanier	Ullo
Dennery	LeBleu	Velazquez
Derbes	Lennox	Vesich
Deshotels	Lowe	Warren
Drew	McDaniel	Weiss
Dunlap	Martin	Willis
Duval	Miller	Wisham
Edwards	Newton	Zervigon
Elkins		
Total—99.		

NAYS

Delegates—	Fontenot	Stinson
Dennis		
Total—3.		

ABSENT

Delegates—	Cannon	Hardee
Armentor	Carmouche	Heine
Blair	Cowen	Kean
Burns		

Lambert	Pugh	Slay
LeBreton	Rachal	Stovall
Leigh	Rayburn	Taylor
Leithman	Riecke	Vick
Mauberret	Schmitt	Wall
Mire	Segura	Winchester
Munson	Shannon	Womack
Total—30.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 38. Fees; Orleans Parish

Section 38. The judges of the civil district court and the city courts of Orleans Parish shall set the fees for civil cases filed in their respective courts.

Read.

Passage

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	
Deshotels	Stinson
Ourso	Velazquez
Total—4.	

NAYS

Delegates—		
Mr. Chairman	Flory	Nunez
Abraham	Fontenot	O'Neill
Aertker	Fowler	Perez
Alario	Fulco	Perkins
Alexander	Gauthier	Planchard
Anzalone	Giarrusso	Reeves
Arnette	Ginn	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Guarisco	Silverberg
Bergeron	Hayes	Singletary
Bollinger	Haynes	Smith
Brien	Hernandez	Soniat
Brown	Jack	Stagg
Burson	Jackson, A.	Stephenson
Casey	Jackson, J.	Sutherland
Champagne	Jenkins	Tapper
Chatelain	Juneau	Tate
Chehardy	Kelly	Thistlethwaite
Conino	Kilbourne	Thompson
Conroy	Kilpatrick	Tobias
Corne	Landrum	Toca
D'Gerolamo	Landry, A.	Toomy
De Blieux	Landry, E. J.	Uilo
Dennery	Lanier	Vesich
Dennis	LeBleu	Warren
Derbes	Lennox	Weiss
Drew	Lowe	Willis
Dunlap	McDaniel	Wisham
Duval	Martin	Zervigon
Elkins	Miller	
Fayard	Newton	
Total—97.		

ABSENT

Delegates—		
Armentor	Edwards	Leigh
Blair	Hardee	Leithman
Burns	Heine	Mauberret
Cannon	Kean	Mire
Carmouche	Lambert	Munson
Cowen	LeBreton	Pugh

Rachal	Shannon	Wall
Rayburn	Slay	Winchester
Riecke	Stovall	Womack
Schmitt	Taylor	
Segura	Vick	
Total—31.		

And the Chair declared that the above Section failed to pass.

Delegate Dennis moved to reconsider the vote by which the above Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Dennery the motion to reconsider the vote by which Section 25 of Committee Proposal No. 21 was passed, was called from the table.

On motion of Delegate Dennery the vote by which Section 25 was passed, was reconsidered.

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; three attorneys admitted to the practice of law for at least ten years who are not judges, active or retired, nor public officials, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, appointed by the Louisiana District Judges' Association or its successor.

(B) A member of the commission shall serve a four-year term and shall not be eligible to succeed himself.

(C) A member's term shall terminate when he loses the status causing his appointment or when any event occurs which would have made him ineligible for appointment.

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against him with respect to his license to practice law.

Delegate Dennery sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 9, line 15, delete Amendment No. 1, proposed by Delegate Pugh and adopted by the convention on August 22, 1973.

AMENDMENT No. 2—

On page 9, line 15, after the word "officials" delete the comma "," and insert the following:

"Other than notaries public,"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 25, was read, as amended.

Delegate Dennery moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Ourso
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Reeves
Asseff	Gravel	Robinson
Avant	Grier	Roemer
Badeaux	Guarisco	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Silverberg
Bollinger	Hernandez	Smith
Brien	Jack	Soniat
Brown	Jackson, A.	Stagg
Burson	Jackson, J.	Stephenson
Casey	Jenkins	Stinson
Champagne	Juneau	Sutherland
Chatelain	Kelly	Tapper
Conino	Kilbourne	Tate
Conroy	Kilpatrick	Thistlethwaite
Corne	Landrum	Thompson
D'Gerolamo	Landry, A.	Tobias
De Blieux	Landry, E. J.	Toca
Dennery	Lanier	Toomy
Dennis	LeBleu	Ullo
Deshotels	Lennox	Velazquez
Dunlap	Lowe	Vesich
Duval	McDaniel	Warren
Elkins	Martin	Weiss
Fayard	Miller	Willis
Flory	Newton	Wisham
Fontenot	Nunez	Zervigon
Total—96.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Heine	Riecke
Armentor	Kean	Schmitt
Blair	Lambert	Segura
Burns	LeBreton	Shannon
Cannon	Leigh	Singletary
Carmouche	Leithman	Slay
Chehardy	Mauberrret	Stovall
Cowen	Mire	Taylor
Derbes	Munson	Vick
Drew	Pugh	Wall
Edwards	Rachal	Winchester
Hardee	Rayburn	Womack
Total—36.		

And the Chair declared that the above Section was passed.

Delegate Dennery moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Reeves, the Convention altered the Order of Business to take up other orders of Business at this time.

COMMITTEE NOTICE

Mr. Alphonse Jackson, Jr., chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Tuesday, August 28, 1973, at 10:00 o'clock A.M. in Committee Room 9 and will consider the following agenda:

AGENDA

To prepare the presentation of Committee Proposal No. 25 to the full convention.

Respectfully submitted,

ALPHONSE JACKSON, JR.
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Wednesday, August 29, 1973, at 5:30 o'clock P.M. in Committee Room 1 and will consider the following agenda:

AGENDA

To consider resolutions referred to the committee.

Respectfully submitted,

JAMES STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate LeBreton, chairman of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Wednesday, August 29, 1973, immediately after adjournment in Convention Hall and will consider the following agenda:

AGENDA

To discuss the Resolution on Transitional Measures.

Respectfully submitted,

EDWARD F. LeBRETON,
Chairman of the Committee on
Legislative Liaison and Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet Wednesday, August 29, 1973, after adjournment in Committee Room 9 and will consider the following agenda:

AGENDA

To consider the committee's proposal.

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Cannon—1 day.
Delegate Mire—½ day.

Adjournment

Delegate Reeves moved that the Convention do now adjourn until Tuesday, August 28, 1973, at 1:30 o'clock P.M.

As a substitute, Delegate Fontenot moved that the Convention do now adjourn until Wednesday August 29, 1973, at 9:00 o'clock A.M.

The vote recurred on the substitute motion.

By a vote of 34 yeas and 60 nays the Convention refused to adjourn until Wednesday, August 29, 1973 at 9:00 o'clock A.M.

On motion of Delegate Reeves the Convention adjourned until Tuesday, August 28, 1973 at 1:30 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Tuesday, August 28, 1973 at 1:30 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID P. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, August 28, 1973, Baton Rouge La.

The Convention was called to order at 1:30 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Mr. Chairman	Fayard	Newton
Abraham	Flory	Nunez
Aertker	Fontenot	O'Neill
Alario	Fowler	Ourso
Alexander	Fulco	Perez
Anzalone	Gauthier	Perkins
Arnette	Ginn	Planchard
Asseff	Goldman	Rachal
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Guarisco	Robinson
Bergeron	Hayes	Roemer
Blair	Haynes	Roy
Bollinger	Heine	Sandoz
Brien	Hernandez	Segura
Brown	Jack	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Conino	Lambert	Tate
Conroy	Landrum	Thistlethwaite
Corne	Landry, A.	Thompson
Cowen	Landry, E. J.	Tobias
D'Gerolamo	Lanier	Toca
De Blieux	LeBleu	Toomy
Dennery	Leigh	Vesich
Dennis	Lennox	Vick
Derbes	Lowe	Warren
Deshotels	McDaniel	Weiss
Drew	Martin	Willis
Dunlap	Maubertret	Winchester
Duval	Miller	Wisham
Edwards	Mire	Womack
Elkins	Munson	Zervigon
Total—117.		

ABSENT

Delegates—	Pugh	Stinson
Armentor	Riecke	Taylor
Giarrusso	Schmitt	Ullo
Hardee	Silverberg	Velazquez
LeBreton	Slay	Wall
Leithman		
Total—15.		

The Chairman announced that there were 117 members
present and a quorum.

Prayer

Prayer was offered by Delegate Smith.

Pledge of Allegiance

Delegate Perez led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Shannon, the reading of the Journal
was dispensed with.

On motion of Delegate Shannon, the Journal of yesterday
was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Committee
Resolutions**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 45—

Introduced by Delegate Warren:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the superintendent of
education.

Read.

Lies over under the rules.

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolu-
tions on second reading to be referred to Committees were
taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 41—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner
of agriculture.

Read.

Under the rules the above Resolution was referred to
the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 42—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner
of elections.

Read.

Under the rules the above Resolution was referred to the
Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 43—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the commissioner of
insurance.

Read.

Under the rules the above Resolution was referred to the
Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 44—

Introduced by Delegate O'Neill:

A RESOLUTION

To provide for the submission of alternative proposals rela-
tive to the method of selecting the commissioner of
agriculture, the commissioner of elections, and the com-
missioner of insurance.

Read.

Under the rules the above Resolutions was referred to the
Committee on Rules, Credentials and Ethics.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 21—

Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kilbourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6):

A PROPOSAL

Making provisions for the judiciary branch of government.

Read.

The Chairman announced that the Convention had under consideration the above Committee Proposal when it adjourned on Friday, August 24, 1973, which was taken up and acted upon as follows:

Section 18. Juvenile Courts; Jurisdiction

Section 18. The jurisdiction of a juvenile court shall be as provided by law.

Read.

On motion of Delegate J. Jackson the above Section, upon which action was deferred on August 17, 1973, was taken up and acted upon as follows:

FLOOR AMENDMENT

Delegate J. Jackson sent up a floor amendment, which was read as follows:

Amendment proposed by Delegates J. Jackson, Warren, Roy, Pugh and Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 15 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. Juvenile Courts; Family Courts; Jurisdiction

Section 18. (A) Except as otherwise herein provided, the juvenile courts or family courts shall have exclusive original jurisdiction of cases of the state in the interest of persons under eighteen years of age brought before the court as delinquent or neglected children. The courts shall also have jurisdiction of all cases of desertion or nonsupport of children by either parent or nonsupport of a wife by her husband and the adoption of children under eighteen years of age. The family court shall have such additional jurisdiction as is possessed by the family courts in existence at the time this constitution is adopted, or as otherwise provided by law.

(B) The legislature shall have the power to establish juvenile courts or family courts for any parish or group of parishes and designate the title and domicile of said courts, upon the petition of the police jury or other governing authority of the parish to be affected. The jurisdiction of any family court established subsequent to the adoption of this constitution shall be the same as the jurisdiction vested in family courts in existence at the time of the adoption of this constitution.

(C) The district courts in the Parish of Orleans and the several district courts in the other parishes of the state, however, shall have exclusive jurisdiction of the trial of all persons over the age of sixteen years who have been indicted by a Grand Jury for the offenses of murder, aggravated kidnapping, or aggravated rape committed within their respective jurisdictions."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and order by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Roy
Alexander	Gravel	Shannon
Bergeron	Guarisco	Soniati
Bollinger	Hayes	Stagg
Brien	Haynes	Stephenson
Brown	Jackson, A.	Stovall
Chatelain	Jackson, J.	Vick
Chehardy	Kilpatrick	Warren
D'Gerolamo	Landrum	Wisham
Dennery	Newton	Zervigon
Flory	Rachal	
Gauthier	Roemer	
Total—34.		

NAYS

Delegates—		
Abraham	Fayard	Mire
Alario	Fontenot	Munson
Anzalone	Fowler	Nunez
Arnette	Fulco	O'Neill
Asseff	Goldman	Perez
Avant	Grier	Perkins
Badeaux	Heine	Planchard
Bel	Hernandez	Robinson
Blair	Jack	Sandoz
Burns	Jenkins	Segura
Burson	Juneau	Singletary
Carmouche	Kelly	Smith
Casey	Kilbourne	Sutherland
Champagne	Lambert	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Thompson
De Blieux	LeBleu	Tobias
Dennis	Leigh	Toca
Derbes	Lennox	Toomy
Deshotels	Lowe	Weiss
Drew	McDaniel	Willis
Dunlap	Martin	Winchester
Duval	Mauberrret	Womack
Elkins	Miller	
Total—74.		

ABSENT

Delegates—		
Aertker	LeBreton	Silverberg
Armentor	Leithman	Slay
Cannon	Ourso	Stinson
Cowen	Pugh	Taylor
Edwards	Rayburn	Uilo
Giarrusso	Reeves	Velazquez
Hardee	Riecke	Vesich
Kean	Schmitt	Wall
Total—24.		

And the amendment was rejected.

Delegate Planchard moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 17, change the period "." to a semicolon ";" and add the following:

"provided, however, that the juvenile courts, including district courts and parish and city courts when sitting as ex officio juvenile courts, shall have exclusive original jurisdiction of all offenses committed by persons under the age

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of seventeen, except that the criminal district courts in the Parish of Orleans and the several district courts in the other parishes of the state shall have exclusive original jurisdiction of persons who at the time of the commission of the offense are over the age of fifteen years and who have been indicted by a grand jury for the offenses of murder, aggravated kidnapping, or aggravated rape committed within their respective jurisdictions."

Delegate Gravel moved the adoption of the amendment.

Delegate Derbes objected.

By a vote of 53 yeas and 53 nays the amendment was rejected.

Delegate J. Jackson moved to reconsider the vote by which the amendment was rejected.

Delegate Derbes moved to lay the motion to reconsider on the table.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Arnette	Fowler	Mauberret
Asseff	Fulco	Nunez
Bel	Goldman	O'Neill
Blair	Grier	Ouroso
Burns	Heine	Perez
Carmouche	Hernandez	Perkins
Casey	Jack	Sandoz
Champagne	Jenkins	Singletary
Conino	Juneau	Smith
Conroy	Kelly	Stephenson
Corne	Kilbourne	Stovall
Cowen	Lanier	Sutherland
De Blieux	LeBleu	Tapper
Derbes	Leigh	Thistlethwaite
Deshotels	Lennox	Tobias
Drew	Low	Vesich
Elkins	McDaniel	Willis
Fontenot	Martin	Winchester

Total—54.

NAYS

Delegates—

Mr. Chairman	Edwards	Rachal
Abraham	Flory	Reeves
Alario	Gauthier	Robinson
Alexander	Ginn	Roy
Anzalone	Gravel	Segura
Avant	Guarisco	Shannon
Badeaux	Hayes	Soniat
Bollinger	Haynes	Stagg
Brien	Jackson, A.	Tate
Brown	Jackson, J.	Thompson
Burson	Kean	Toca
Chatelain	Kilpatrick	Toomy
Chehardy	Landrum	Vick
D'Gerolamo	Landry, A.	Warren
Dennery	Landry, E. J.	Weiss
Dennis	Mire	Wisham
Dunlap	Munson	Zervigon
Duval	Planchard	

Total—53.

ABSENT

Delegates—

Aertker	Leithman	Slay
Armentor	Miller	Stinson
Bergeron	Newton	Taylor
Cannon	Pugh	Ullo
Fayard	Rayburn	Velazquez
Giarrusso	Riecke	Wall
Hardee	Roemer	Womack
Lambert	Schmitt	
LeBreton	Silverberg	

Total—25.

And the motion to reconsider was tabled.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Pugh, Kean and Avant to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 16 and 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. The juvenile and family courts shall have such jurisdiction as the legislature shall provide by law."

Delegate Kean moved the adoption of the amendment.

Delegate Alexander objected.

By a vote of 92 yeas and 12 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tate sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tate and Tobias to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 16, in the language added by Convention Floor Amendment No. 1 proposed by Delegate Pugh et al and adopted by the Convention on August 28, 1973, immediately after the number "18" and before the word "juvenile" delete the word "The" and insert in lieu thereof the following:

"Notwithstanding any provision of this Article to the contrary, the"

Delegate Tate moved the adoption of the amendment.

Delegate Stovall objected.

By a vote of 103 yeas and 0 nays the amendment was adopted.

Delegate Tate moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 16, immediately after the words "provide by law" added by Convention Floor Amendment No. 1 proposed by Mr. Pugh, et al and adopted by the Convention on August 28, 1973, change the period "." to a semicolon ";", and add the following:

"Juvenile courts shall have exclusive original jurisdiction of all offenses committed by persons under the age of seventeen, except that the criminal district courts in the Parish of Orleans and the several district courts in the other parishes of the state shall have exclusive original jurisdiction of persons who at the time of the commission of the offense are over the age of fifteen years and who have been indicted by a grand jury for the offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape committed within their respective jurisdictions."

On motion of Delegate Gravel the amendment was withdrawn.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 16, immediately after the words "provide by law" added by Convention Floor Amendment No. 1 proposed by Mr. Pugh, et al and adopted by the Convention on August 28, 1973, change the period "." to a semicolon ";" and add the following:

"Juvenile courts including district courts and parish and city courts when sitting as ex officio juvenile courts, shall have exclusive original jurisdiction of all offenses committed by persons under the age of seventeen, except that the criminal district courts in the Parish of Orleans and the several district courts in the other parishes of the state shall have exclusive original jurisdiction of persons who at the time of the commission of the offense are over the age of fifteen years and who have been indicted by a grand jury for the offenses of murder, aggravate kidnapping, armed robbery, or aggravated rape committed within their respective jurisdictions."

On motion of Delegate Gravel the amendment was withdrawn.

Passage

Committee Proposal No. 21, Section 18, was read, as amended.

Delegate Dennis moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Edwards	Newton
Abraham	Elkins	Nunez
Alario	Flory	O'Neill
Anzalone	Fontenot	Ourso
Arnette	Fowler	Perez
Asseff	Fulco	Perkins
Avant	Ginn	Planchard
Badeaux	Goldman	Rachal
Bel	Gravel	Reeves
Bergeron	Grier	Robinson
Blair	Guarisco	Roemer
Bollinger	Hayes	Roy
Brien	Hernandez	Sandoz
Brown	Jack	Segura
Burns	Jenkins	Shannon
Burson	Juneau	Singletary
Cannon	Kean	Smith
Carmouche	Kelly	Stagg
Casey	Kilbourne	Stephenson
Champagne	Kilpatrick	Tapper
Chatelain	Lambert	Tate
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Vesich
De Blieux	Lennox	Vick
Dennery	Lowe	Weiss
Dennis	McDaniel	Willis
Derbes	Martin	Winchester
Deshotels	Mauberret	Wisham
Drew	Miller	Womack
Dunlap	Mire	Zervigon
Duval	Munson	
Total—101.		

NAYS

Delegates—		
Alexander	Haynes	Soniat
Chehardy	Jackson, A.	Stovall
Gauthier	Jackson, J.	Warren
Total—9.		

ABSENT

Delegates—		
Aertker	Leithman	Sutherland
Armentor	Pugh	Taylor
Fayard	Rayburn	Thistlethwaite
Giarrusso	Riecke	Uilo
Hardee	Schmitt	Velazquez
Heine	Silverberg	Wall
Landrum	Slay	
LeBreton	Stinson	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Dennis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 21 by Delegate Dennis, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 28 and 29, insert the following:

"Section 15.1. City Court Judges; Terms
Section 15.1. A judge of a city court shall be elected for the same term as a district court judge."

Delegate Avant moved the adoption of the amendment.

Delegate Tobias objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Duval	Planchard
Alexander	Edwards	Reeves
Anzalone	Flory	Robinson
Avant	Fontenot	Roemer
Badeaux	Fulco	Roy
Bel	Gauthier	Sandoz
Bergeron	Ginn	Segura
Blair	Gravel	Shannon
Bollinger	Grier	Singletary
Brien	Guarisco	Smith
Brown	Hayes	Soniat
Burns	Jack	Stagg
Burson	Juneau	Stephenson
Cannon	Kean	Stovall
Carmouche	Kelly	Tapper
Casey	Kilbourne	Thistlethwaite
Champagne	Kilpatrick	Thompson
Chatelain	Lambert	Toca
Chehardy	Landry, A.	Toomy
Conino	Lanier	Vesich
Corne	Martin	Vick
Cowen	Mauberret	Warren
D'Gerolamo	Mire	Weiss
De Blieux	Newton	Willis
Dennery	Nunez	Winchester
Dennis	O'Neill	Womack
Derbes	Ourso	Zervigon
Deshotels	Perez	
Dunlap	Perkins	
Total—85.		

NAYS

Delegates—		
Abraham	Conroy	Fowler
Arnette	Drew	Goldman
Asseff	Elkins	Haynes

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Hernandez	Lennox	Rachal
Jackson, A.	Lowe	Tobias
Jackson, J.	McDaniel	Wisham
Jenkins	Miller	
Landry, E. J.	Munson	
Total—22.		

ABSENT

Delegates—	LeBreton	Stinson
Mr. Chairman	Leigh	Sutherland
Aertker	Leithman	Tate
Armentor	Pugh	Taylor
Fayard	Rayburn	Uilo
Giarrusso	Riecke	Velazquez
Hardee	Schmitt	Wall
Heine	Silverberg	
Landrum	Slay	
LeBleu		
Total—25.		

And the amendment was adopted.

The amendment having received the vote of a majority vote of the total membership of the Convention required to pass a Section to a proposal, was passed.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 21, Section 15.1, was read.

Delegate Avant moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	Ourso
Abraham	Fontenot	Perez
Alario	Fowler	Perkins
Alexander	Fulco	Planchard
Anzalone	Gauthier	Reeves
Avant	Ginn	Robinson
Badeaux	Grier	Roemer
Bel	Guarisco	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Burns	Jackson, A.	Smith
Burson	Jenkins	Soniat
Cannon	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stovall
Champagne	Kilbourne	Tapper
Chatelain	Kilpatrick	Tate
Chehardy	Lambert	Thistlethwaite
Conino	Landry, A.	Thompson
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	Lennox	Vesich
De Blieux	Lowe	Vick
Dennery	McDaniel	Warren
Dennis	Martin	Weiss
Derbes	Mauberret	Willis
Deshotels	Mire	Winchester
Dunlap	Newton	Wisham
Duval	Nunez	Womack
Edwards	O'Neill	Zervigon
Elkins		
Total—96.		

NAYS

Delegates—	Goldman	Rachal
Arnette	Gravel	Sutherland
Asseff	Jackson, J.	Tobias
Brown	Miller	
Conroy	Munson	
Drew		
Total—13.		

ABSENT

Delegates—	LeBleu	Silverberg
Mr. Chairman	LeBreton	Slay
Aertker	Leigh	Stinson
Armentor	Leithman	Taylor
Fayard	Pugh	Uilo
Giarrusso	Rayburn	Velazquez
Hardee	Riecke	Wall
Heine	Schmitt	
Landrum		
Total—23.		

And the Chair declared that the above Section was passed.

Delegate Avant moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read.

Delegate Dennis moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Newton
Mr. Chirman	Fowler	Nunez
Abraham	Fulco	O'Neill
Aertker	Gauthier	Ourso
Alexander	Ginn	Perez
Anzalone	Goldman	Perkins
Arnette	Grier	Planchard
Avant	Haynes	Rachal
Badeaux	Hernandez	Reeves
Bergeron	Jack	Robinson
Blair	Jackson, A.	Roemer
Bollinger	Jackson, J.	Roy
Brown	Jenkins	Sandoz
Burns	Juneau	Segura
Cannon	Kean	Shannon
Carmouche	Kelly	Singletary
Champagne	Kilbourne	Smith
Chatelain	Kilpatrick	Stagg
Chehardy	Lambert	Stephenson
Conino	Landrum	Sutherland
Conroy	Landry, A.	Tapper
Corne	Landry, E. J.	Tate
Cowen	Lanier	Thistlethwaite
D'Gerolamo	LeBleu	Thompson
De Blieux	Leigh	Tobias
Dennery	Lennox	Toca
Dennis	Lowe	Toomy
Derbes	McDaniel	Warren
Drew	Martin	Weiss
Duval	Mauberret	Willis
Edwards	Miller	Winchester
Elkins	Mire	Wisham
Fayard	Munson	Zervigon
Flory		
Total—99.		

NAYS

Delegates—	Deshotels	Stovall
Alario	Dunlap	Vesich
Asseff	Gravel	Vick
Bel	Guarisco	Womack
Brien	Hayes	
Burson	Soniat	
Casey		
Total—16.		

ABSENT

Delegates—	Pugh	Stinson
Armentor	Rayburn	Taylor
Giarrusso	Riecke	Uilo
Hardee	Schmitt	Velazquez
Heine	Silverberg	Wall
LeBreton	Slay	
Leithman		
Total—17.		

And the Chair declared that the above Proposal was finally passed.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their their third reading and final passage:

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up Committee Proposals No. 25, out of its regular order, at this time.

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

A PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

Read.

Delegate Thistlethwaite sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Thistlethwaite, Sandoz, Womack, Planchard, Champagne and Corne, to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"We, the people of Louisiana, grateful to Almighty God for divine guidance and mindful of our unique heritage, do reaffirm our adherence to the Constitution of the United States of America and, desiring to declare and ensure the rights of the individual and provide a plan of government for the good order of the state, do ordain and establish this constitution."

Delegate Thistlethwaite moved the adoption of the amendment.

Delegate Warren objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Burson	Edwards
Arnette	Carmouche	Elkins
Asseff	Champagne	Fontenot
Badeaux	Conino	Fulco
Blair	Conroy	Gauthier
Bollinger	Corne	Grier
Burns	Cowen	Hernandez

Jack
Juneau
Kean
Kilbourne
Landry, A.
Landry, E. J.
Lanier
Leigh
Lennox
Total—46.

Delegates—

Mr. Chairman
Abraham
Aertker
Alexander
Anzalone
Avant
Bel
Bergeron
Brien
Brown
Casey
Chatelain
Chehardy
D'Gerolamo
De Blieux
Dennerly
Dennis
Drew
Dunlap
Flory
Total—58.

Delegates—

Armentor
Cannon
Derbes
Deshotels
Duval
Fayard
Giarrusso
Hardee
Heine
LeBleu
Total—28.

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

FLOOR AMENDMENT

Delegate Perez sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Perez to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 23 and insert in lieu thereof the following:

"We, the people of the State of Louisiana, grateful to Almighty God for the civil, political and religious liberties we enjoy, and desiring to secure the continuance of these blessings, do ordain and establish this Constitution."

Motion

Delegate Shannon moved the previous question on the entire subject matter.

Delegate Bollinger objected.

By a vote of 13 yeas and 79 nays the Convention refused to order the previous question on the entire subject matter at this time.

Motion

Delegate Tapper moved the previous question on the amendment.

Delegate Kilbourne objected.

McDaniel
Martin
Miller
Mire
Nunez
Ourso
Perez
Planchard
Sandoz

NAYS

Fowler
Ginn
Goldman
Gravel
Guarisco
Hayes
Haynes
Jackson, A.
Jackson, J.
Jenkins
Kelly
Kilpatrick
Lambert
Landrum
Lowe
Newton
O'Neill
Reeves
Roemer
Roy

Smith
Tate
Thistlethwaite
Thompson
Willis
Winchester
Womack

Segura
Shannon
Singletary
Soniat
Stagg
Stephenson
Stovall
Sutherland
Tapper
Tobias
Toca
Toomy
Vick
Vesich
Warren
Weiss
Wisham
Zervigon

ABSENT

LeBreton
Leithman
Mauberret
Munson
Perkins
Pugh
Rachal
Rayburn
Riecke
Robinson

Schmitt
Silverberg
Slay
Stinson
Taylor
Ullo
Velazquez
Wall

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By a vote of 18 yeas and 70 nays, and the Convention refused to order the previous question on the amendment at this time.

Delegate Perez moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Hernandez	Perez
Anzalone	Jack	Perkins
Asseff	Kean	Sandoz
Badeaux	Kilbourne	Smith
Bollinger	Landry, A.	Tapper
Champagne	Lanier	Tate
Conroy	LeBleu	Thistlethwaite
Drew	Leigh	Toomy
Elkins	Lowe	Willis
Fontenot	McDaniel	
Fowler	Nunez	

Total—31.

NAYS

Delegates—

Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Reeves
Aertker	Ginn	Robinson
Alexander	Goldman	Roemer
Avant	Gravel	Roy
Bergeron	Grier	Segura
Brien	Guarisco	Shannon
Brown	Hayes	Singletary
Burns	Haynes	Soniat
Burson	Jackson, A.	Stagg
Carmouche	Jackson, J.	Stephenson
Casey	Jenkins	Stovall
Chatelain	Juneau	Sutherland
Chehardy	Kelly	Thompson
Conino	Kilpatrick	Tobias
Corne	Lambert	Toca
D'Gerolamo	Landrum	Vick
De Blieux	Landry, E. J.	Warren
Dennery	Lennox	Weiss
Dennis	Mire	Winchester
Dunlap	Munson	Wisham
Edwards	Newton	Womack
Flory	O'Neill	Zervigon

Total—69.

ABSENT

Delegates—

Armentor	Hardee	Riecke
Arnette	Heine	Schmitt
Bel	LeBreton	Silverberg
Blair	Leithman	Slay
Cannon	Martin	Stinson
Cowen	Mauberrret	Taylor
Derbes	Miller	Ullo
Deshotels	Ourso	Velazquez
Duval	Pugh	Vesich
Fayard	Rachal	Wall
Giarrusso	Rayburn	

Total—32.

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

FLOOR AMENDMENT

Delegate Corne sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Corne to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"We, the people of Louisiana, grateful for the sacrifice and contribution of past generations, whose wisdom has made us a part of our great nation, devoting ourselves to the perpetuation of individual and equal rights to life, liberty, and property and to insure a representative and orderly government which will protect and defend the health, safety, and welfare of all, with the help of Almighty God, do ordain and establish this constitution."

Delegate Corne moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Anzalone	Gauthier	Munson
Asseff	Jack	Robinson
Badeaux	Juneau	Roemer
Bollinger	Kean	Sandoz
Brien	Kilbourne	Smith
Champagne	Landry, A.	Stephenson
Chatelain	Landry, E. J.	Tate
Chehardy	Lanier	Thistlethwaite
Conroy	LeBleu	Thompson
Corne	Leigh	Willis
Elkins	Lowe	
Fontenot	McDaniel	

Total—34.

NAYS

Delegates—

Mr. Chairman	Fulco	Perkins
Abraham	Ginn	Planchard
Aertker	Goldman	Reeves
Alario	Gravel	Roy
Alexander	Grier	Segura
Arnette	Guarisco	Shannon
Avant	Hayes	Singletary
Bergeron	Haynes	Soniat
Brown	Jackson, A.	Stagg
Burns	Jackson, J.	Stovall
Burson	Jenkins	Sutherland
Carmouche	Kelly	Tapper
Casey	Kilpatrick	Tobias
Conino	Lambert	Toca
D'Gerolamo	Landrum	Toomy
De Blieux	Lennox	Vick
Dennery	Mire	Warren
Drew	Newton	Weiss
Dunlap	Nunez	Winchester
Flory	O'Neill	Wisham
Fowler	Perez	Zervigon

Total—63.

ABSENT

Delegates—

Armentor	Hardee	Riecke
Bel	Heine	Schmitt
Blair	Hernandez	Silverberg
Cannon	LeBreton	Slay
Cowen	Leithman	Stinson
Dennis	Martin	Taylor
Derbes	Mauberrret	Ullo
Deshotels	Miller	Velazquez
Duval	Ourso	Vesich
Edwards	Pugh	Wall
Fayard	Rachal	Womack
Giarrusso	Rayburn	

Total—35.

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

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Passage

Committee Proposal No. 25, A Preamble, was read.

Delegate A. Jackson moved the passage of the Preamble.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Reeves
Aertker	Ginn	Robinson
Alario	Goldman	Roemer
Alexander	Gravel	Roy
Annette	Grier	Sandoz
Asseff	Guarisco	Segura
Avant	Hayes	Shannon
Bergeron	Haynes	Singletary
Bollinger	Hernandez	Soniat
Brien	Jack	Stagg
Brown	Jack, A.	Stephenson
Burns	Jackson, J.	Stovall
Burson	Jenkins	Sutherland
Carmouche	Juneau	Tapper
Casey	Kelly	Tate
Champagne	Kilpatrick	Thistlethwaite
Chatelain	Lambert	Thompson
Chehardy	Landrum	Tobias
Conino	Landry, A.	Toca
Conroy	Landry, E. J.	Toomy
Corne	Lanier	Vick
D'Gerolamo	Lennox	Warren
De Blieux	McDaniel	Weiss
Dennery	Miller	Willis
Dennis	Mire	Winchester
Dunlap	Munson	Wisham
Flory	Newton	Womack
Fowler	O'Neill	Zervigon
Total—87.		

NAYS

Delegates—		
Anzalone	Kean	Perez
Badeaux	Kilbourne	Perkins
Drew	Leigh	Smith
Elkins	Lowe	
Fontenot	Nunez	
Total—13.		

ABSENT

Delegates—		
Armentor	Deshotels	Heine
Bel	Duval	LeBleu
Blair	Edwards	LeBreton
Cannon	Fayard	Leithman
Cowen	Giarrusso	Martin
Derbes	Hardee	Mauberret

Ourso
Pugh
Rachal
Rayburn
Riecke
Total—32.

Schmitt
Silverberg
Slay
Stinson
Taylor

Ullo
Velazquez
Vesich
Wall

And the Chair declared that the above Preamble was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Preamble was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Tate, the Convention altered the Order of Business to take up other orders of business at this time.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, September 12, 1973 at 9:30 o'clock A. M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To consider the proposals referred to the Committee.

Respectfully submitted,
Delegate ALBERT TATE, Jr.
Chairman of the Committee
on Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Schmitt—1 day.
Delegate Ullo—1 day.
Delegate Leithman—3 days.
Delegate Stinson—1 day.
Delegate Silverberg—1½ days.
Delegate Velazquez—1 day.
Delegate Giarrusso—4 days.
Delegate Rayburn—½ day.
Delegate Cannon—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, August 29, 1973, at 9:00 o'clock A. M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourn to Wednesday, August 29, 1973 at 9:00 o'clock A. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, August 29, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a. m.,
by Hon. T. A. Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Fowler	Perkins
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Pugh
Aertker	Ginn	Rachal
Alario	Goldman	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Guarisco	Robinson
Asseff	Hayes	Roemer
Avant	Haynes	Roy
Badeaux	Heine	Sandoz
Bel	Hernandez	Schmitt
Bergeron	Jack	Segura
Blair	Jackson, A.	Shannon
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Silverberg
Brown	Juneau	Slay
Burns	Kean	Smith
Burson	Kelly	Soniat
Cannon	Kilbourne	Stagg
Carmouche	Kilpatrick	Stephenson
Casey	Lambert	Stinson
Champagne	Landrum	Stovall
Chatelain	Landry, A.	Sutherland
Chehardy	Landry, E. J.	Tapper
Conino	Lanier	Tate
Conroy	LeBleu	Thistlethwaite
Corne	LeBreton	Thompson
Cowen	Leigh	Tobias
D'Gerolamo	Lennox	Toca
De Blieux	Lowe	Toomy
Dennery	McDaniel	Ullio
Dennis	Martin	Velazquez
Derbes	Mauberret	Vesich
Deshotels	Miller	Vick
Drew	Mire	Warren
Dunlap	Munson	Weiss
Duvai	Newton	Willis
Elkins	Nunez	Winchester
Edwards	O'Neill	Wisham
Fayard	Ourso	Womack
Flory	Perez	Zervigon
Fontenot		
Total—126.		

ABSENT

Delegates—	Hardee	Taylor
Armentor	Leithman	Wall
Giarrusso		
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Bergeron.

Pledge of Allegiance

Delegate Ullio led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate A. Landry, the reading of the
Journal was dispensed with.

On motion of Delegate A. Landry, the Journal of yester-
day was adopted.

Morning Hour

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolu-
tions on second reading to be referred to Committees were
taken up, read, and referred to committees, as follows:

DELEGATE RESOLUTION No. 45—

Introduced by Delegate Warren:

A RESOLUTION

To provide for the submission of an alternative proposal
relative to the method of selecting the superintendent of
education.

Read.

Under the rules the above Resolution was referred to the
Committee on Rules, Credentials and Ethics.

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for Committee
Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf
of the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the
constitution.

Read.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the
people, is founded on their will alone, and is instituted to
protect the rights of the individual and for the good of the
whole. Its only legitimate ends are to secure justice for all,
preserve peace, and promote and protect the rights, happi-
ness, and general welfare of the people. The rights enumer-
ated in this Article are inalienable and shall be preserved
inviolable.

Read.

FLOOR AMENDMENT

Delegate Zervigon sent up a floor amendment, which
was read as follows:

Amendment proposed by Delegate Zervigon to Committee
Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 30, immediately after the word and the
punctuation "peace," and before the partial word "happi-"
delete the words and punctuation "and promote and protect
the rights," and insert in lieu thereof the following:
"protect the rights, and promote the"

Delegate Zervigon moved the adoption of the amendment.

On motion of Delegate Zervigon the amendment was
adopted.

Delegate Zervigon moved to reconsider the vote by which
the amendment was adopted, and on her own motion, the
motion to reconsider was laid on the table.

Motion

Delegate O'Neill moved that the Convention defer any further action on the Section at this time.

Delegate Roy objected.

By a vote of 46 yeas and 40 nays further action on the above Section was deferred at this time.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, property, or other rights without substantive and procedural due process of law.

Read.

FLOOR AMENDMENT

Delegate Pugh sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Pugh to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 4, after the word "without" and before the word "substantive" insert the following:
"there being first afforded both"

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Jack sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 3, at the end of the line, immediately after the word "liberty" delete the comma "," and insert in lieu thereof the word "or"

AMENDMENT No. 2—

On page 2, line 4, immediately after the word "property" and the comma "," delete the remainder of the line and insert in lieu thereof the words "except by"

On motion of Delegate Jack the amendments were withdrawn.

Delegate Thistlethwaite sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Thistlethwaite, Stagg, Tate, and Sandoz to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 2 through 5, both inclusive in their entirety and insert in lieu thereof the following:

Section 2. Due Process; Equal Protection; Right to Property

"Section 2. No person shall be deprived of life, liberty, property, or other rights without due process of law, nor be denied the equal protection of the laws. No law shall discriminate against a person in the exercise of his rights. Private property shall not be taken or damaged nor shall vested rights be divested, except for a public purpose and after just and adequate compensation."

Delegate Thistlethwaite moved the adoption of the amendment.

Delegate O'Neill objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Bollinger
Burson
Carmouche
Champagne
Conroy
Dennis
Drew
Duval
Elkins
Heine
Jack

Kean
Kilbourne
Landry, A.
Lanier
LeBleu
Leigh
Lennox
McDaniel
Miller
Nunez
Perez
Planchard

Sandoz
Stagg
Sutherland
Tate
Thistlethwaite
Toca
Toomy
Ullo
Willis
Winchester

Total—34.

NAYS

Delegates—

Abraham
Aertker
Alexander
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Brien
Brown
Burns
Casey
Chatelain
Chehardy
Conino
Corne
Cowen
D'Gerolamo
De Blieux
Dennery
Dunlap
Flory
Fowler
Fulco

Gauthier
Ginn
Goldman
Gravel
Grier
Guarisco
Hayes
Haynes
Hernandez
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kelly
Kilpatrick
Landrum
Landry, E. J.
Lowe
Martin
Maubert
Mire
Munson
Newton
O'Neill
Ourso
Perkins
Pugh

Rayburn
Reeves
Robinson
Roemer
Roy
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniat
Stephenson
Stinson
Stovall
Tapper
Thompson
Tobias
Velazquez
Vick
Warren
Weiss
Wisham
Womack
Zervigon

Total—79.

ABSENT

Delegates—

Mr. Chairman
Armentor
Cannon
Derbes
Deshotels
Edwards
Fayard

Fontenot
Giarrusso
Hardee
Lambert
LeBreton
Leithman
Rachal

Total—19.

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 3 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. No person shall be deprived of life, liberty or property, except by due process of law. Except as otherwise provided in this constitution, private property shall not be

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taken or damaged except for public purposes and after just and adequate compensation is paid."

Motion

Delegate Stovall moved that further action on Section 2 be deferred at this time.

Delegate Jenkins objected.

By a vote of 26 yeas and 74 nays the Convention refused to defer further action on Section 2 at this time.

Motion

Delegate Perez moved that the amendment be withdrawn.

Delegate Guarisco objected.

By a vote of 93 yeas and 11 nays the amendment was withdrawn.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 3 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. No person shall be deprived of life, liberty or property, except by due process of law."

AMENDMENT No. 2—

Add the following after the language added by Amendment No. 1:

"Except as otherwise provided in this constitution, private property shall not be taken or damaged except for public purposes and after just and adequate compensation is paid."

On motion of Delegate Perez a division of the question was ordered.

Delegate Perez moved the adoption of Amendment No. 1.

Delegate Vick objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Perkins
Aertker	Duval	Planchard
Alario	Elkins	Rayburn
Anzalone	Fontenot	Riecke
Arnette	Gauthier	Robinson
Asseff	Heine	Sandoz
Badeaux	Jack	Schmitt
Blair	Juneau	Segura
Bollinger	Kean	Shannon
Brien	Kilbourne	Smith
Brown	Landry, A.	Stagg
Burns	Lanier	Sutherland
Burson	LeBleu	Tapper
Carmouche	Leigh	Tate
Casey	Lennox	Thistlethwaite
Champagne	Lowe	Toomy
Conino	McDaniel	Ullo
Conroy	Mauberret	Velazquez
Corne	Nunez	Willis
Cowen	Perez	Winchester
Total—60.		

NAYS

Delegates—		
Alexander	Guarisco	Pugh
Avant	Hayes	Reeves
Bel	Haynes	Roemer
Bergeron	Jackson, A.	Roy
Chatelain	Jackson, J.	Singletary
Chehardy	Jenkins	Slay
D'Gerolamo	Kelly	Soniat
De Blieux	Kilpatrick	Stinson
Dennery	Lambert	Stovall
Dennis	Landrum	Thompson
Dunlap	Landry, E. J.	Tobias
Flory	LeBreton	Toca
Fulco	Miller	Vick
Ginn	Mire	Warren
Goldman	Munson	Weiss
Gravel	Newton	Wisham
Grier	O'Neill	Zervigon
Total—51.		

ABSENT

Delegates—		
Mr. Chairman	Fowler	Rachal
Armentor	Giarrusso	Silverberg
Cannon	Hardee	Stephenson
Derbes	Hernandez	Taylor
Deshotels	Leithman	Vesich
Edwards	Martin	Wall
Fayard	Ourso	Womack
Total—21.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Perez, and under a suspension of the rules, Amendment No. 2 was withdrawn.

Passage

Committee Proposal No. 25, Section 2, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	Mire
Aertker	Fowler	Munson
Alario	Fulco	Newton
Alexander	Gauthier	Nunez
Anzalone	Ginn	O'Neill
Arnette	Goldman	Perez
Asseff	Gravel	Perkins
Avant	Grier	Planchard
Badeaux	Guarisco	Pugh
Bel	Hayes	Rayburn
Bergeron	Haynes	Reeves
Bollinger	Heine	Riecke
Brien	Jack	Robinson
Brown	Jackson, A.	Roemer
Burns	Jackson, J.	Roy
Burson	Jenkins	Sandoz
Carmouche	Juneau	Schmitt
Casey	Kelly	Segura
Champagne	Kilbourne	Shannon
Chatelain	Kilpatrick	Singletary
Chehardy	Lambert	Slay
Conino	Landrum	Smith
Conroy	Landry, A.	Soniat
Corne	Landry, E. J.	Stagg
D'Gerolamo	Lanier	Stinson
De Blieux	LeBleu	Stovall
Dennery	LeBreton	Sutherland
Dennis	Leigh	Tapper
Drew	Lennox	Tate
Dunlap	Lowe	Thistlewaite
Duval	McDaniel	Thompson
Elkins	Mauberret	Tobias
Flory	Miller	Toca

Toomy	Weiss	Womack
Ullo	Willis	Zervigon
Velazquez	Winchester	
Vick	Wisham	
Total—109.		

Delegate—
Warren
Total—1.

NAYS

Delegates—		
Mr. Chairman	Fayard	Ourso
Armentor	Giarrusso	Rachal
Blair	Hardee	Silverberg
Cannon	Hernandez	Stephenson
Cowen	Kean	Taylor
Derbes	Leithman	Vesich
Deshotels	Martin	Wall
Edwards		
Total—22.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up Committee Proposal No. 25, Section 1 at this time.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, and promote and protect the rights, happiness, and general welfare of the people. The rights enumerated in this Article are inalienable and shall be preserved inviolate.

On motion of Delegate A. Jackson Committee Proposal No. 25, Section 1, on which action was previously deferred, was taken up and acted upon as follows:

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Lanier to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 32, after the word "inalienable" and before the word "and" insert the following:
"by the state"

AMENDMENT No. 2—

On page 2, line 1 after the word "inviolable" add the words
"by the state."

Delegate Lanier moved the adoption of the amendment.

Delegate Dennery objected.

By a vote of 112 yeas and 6 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 1, was read, as amended.

Delegate A. Jackson moved the passage of the Section

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Planchard
Aertker	Ginn	Pugh
Alario	Goldman	Rachal
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Arnette	Guarisco	Riecke
Asseff	Hayes	Robinson
Avant	Heine	Roemer
Badeaux	Hernandez	Roy
Bel	Jack	Sandoz
Bergeron	Jackson, A.	Schmitt
Blair	Jackson, J.	Segura
Bollinger	Jenkins	Shannon
Brien	Juneau	Silverberg
Brown	Kean	Singletary
Burns	Kelly	Slay
Burson	Kilbourne	Smith
Carmouche	Kilpatrick	Soniat
Casey	Lambert	Stagg
Champagne	Landrum	Stephenson
Chatelain	Landry, A.	Stinson
Chehardy	Landry, E. J.	Stovall
Conino	Lanier	Sutherland
Conroy	LeBleu	Tapper
Corne	LeBreton	Tate
Cowen	Leigh	Thistlethwaite
D'Gerolamo	Lennox	Thompson
De Blieux	Lowe	Tobias
Dennery	McDaniel	Toomy
Dennis	Martin	Ullo
Deshotels	Mauberet	Velazquez
Drew	Miller	Vick
Dunlap	Mire	Warren
Duval	Munson	Weiss
Edwards	Newton	Willis
Elkins	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Womack
Fowler	Perez	Zervigon
Fulco	Perkins	
Total—119.		

NAYS

Delegates—
Total—0.

ABSENT

Delegates—		
Mr. Chairman	Giarrusso	Toca
Armentor	Hardee	Vesich
Cannon	Haynes	Wall
Derbes	Leithman	
Fayard	Taylor	
Total—13.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws nor shall any law discriminate against a person in the exercise of rights on account of birth, race, age, sex, social origin, physical condition, or political or religious ideas. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

Read.

Motion

Delegate Abraham moved for a suspension of the rules in order to allow Delegate Roy an additional five minutes, beyond the time allowed by the rules, to answer questions put to him from the floor of the Convention.

Delegate Jack objected.

By a vote of 81 yeas and 31 nays the rules were suspended.

Motion

Delegate Rayburn moved that Delegates be allowed to address the Convention on the entire Section prior to taking up amendments pertaining to the Section.

As a substitute Delegate De Blieux moved that amendments be considered immediately after an explanation of the Section by a proponent.

The vote recurred on the substitute motion.

By a vote of 37 yeas and 73 nays the Convention refused to adopt the substitute motion.

The vote then recurred on the original motion.

On motion of Delegate Rayburn the Convention agreed that Delegates could address the Convention on the entire Section prior to considering amendments thereto.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

State of Louisiana
OFFICE OF LOUISIANA
Baton Rouge

August 29, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Charles Wattigny, 113 Evangeline, New Iberia, as Delegate to the Constitutional Convention of 1973 (District 48), vice Minos H. Armentor, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

OATH OF OFFICE

Mr. Charles Wattigny appeared before the bar of the Convention and took the following oaths of office administered by Honorable David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

"I (Charles Wattigny) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Proposals

Delegate and Committee, Resumed

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

Read.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws nor shall any law discriminate against a person in the exercise of rights on account of birth, race, age, sex, social origin, physical condition, or political or religious ideas. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

Read.

Motion

Delegate Landrum moved for a suspension of the rules in order to allow Delegate Jack an additional time of three minutes in which to address the Convention.

Delegate Tapper objected.

By a vote of 64 yeas and 30 nays the rules were suspended in order to allow Delegate Jack and additional three minutes in which to address the Convention.

Motion

Delegate J. Jackson moved that the Convention consider amendments to the Section 3 at this time.

Delegate Stinson objected.

By a vote of 75 yeas and 24 nays the Convention proceeded with amendments to the Section.

Delegate Juneau sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 6 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Equal Protection of the Law

Section 3. No person shall be denied equal protection of the laws."

Delegate Juneau moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Planchard
Alario	Fontenot	Rayburn
Anzalone	Fowler	Riecke
Arnette	Jack	Sandoz
Asseff	Juneau	Singletary
Bollinger	Kilbourne	Smith
Burson	Lanier	Stinson
Cannon	LeBleu	Sutherland
Carmouche	Leigh	Tate
Champagne	Lennox	Thistlethwaite
Conroy	McDaniel	Toomy
Cowen	Maubernet	Ullo
Dennis	Munson	Vesich
Deshotels	Nunez	Willis
Drew	O'Neill	Winchester
Duval	Perez	Womack
Elkins	Perkins	Zervigon
Total—51.		

NAYS		
Delegates—		
Alexander	Goldman	Rachal
Avant	Gravel	Reeves
Badeaux	Grier	Robinson
Bel	Guarisco	Roemer
Bergeron	Hayes	Roy
Blair	Heine	Schmitt
Brien	Hernandez	Shannon
Burns	Jackson, A.	Silverberg
Casey	Jackson, J.	Slay
Chatelain	Jenkins	Soniat
Chehardy	Kean	Stagg
Conino	Kelly	Stephenson
Corne	Kilpatrick	Stovall
D'Gerolamo	Landrum	Tapper
De Blieux	Landry, A.	Thompson
Dennery	Landry, E. J.	Tobias
Derbes	LeBreton	Toca
Dunlap	Lowe	Velazquez
Flory	Miller	Vick
Fulco	Mire	Warren
Gauthier	Newton	Weiss
Ginn	Pugh	Wisham
Total—66.		

ABSENT		
Delegates—		
Mr. Chairman	Hardee	Ourso
Aertker	Haynes	Segura
Brown	Lambert	Taylor
Edwards	Leithman	Wall
Giarrusso	Martin	Wattigny
Total—15.		

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Munson, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 31—
Introduced by Delegate Dennery:
A PROPOSAL
Providing for trust; forced heirship.

Read.

Lies over under the rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

August 28, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 21—
Introduced by Delegate Dennis, Chairman, on behalf of the Committee on the Judiciary and Delegates Avant, Bel, Bergeron, Burns, Deshotels, Drew, Gauthier, Kelly, Kil-

bourne, Landry, Martin, Ourso, Sandoz, Tate and Vesich (A Substitute for Committee Proposal No. 6)

A PROPOSAL

Making provisions for the judiciary branch of government and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE V. JUDICIAL BRANCH

Section 1. Judicial Power

Section 1. The judicial power shall be vested in a supreme court, courts of appeal, district courts, and other courts authorized by this constitution.

Section 2. Habeas Corpus, Needful Writs, Orders and Process

Section 2. A judge may issue writs of habeas corpus and all other needful writs, orders and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law.

Section 3. Supreme Court; Composition; Judgments; Terms

Section 3. The supreme court shall be composed of a chief justice and six associate justices, four of whom must concur to render judgment. The term of a judge of the supreme court shall be ten years.

Section 4. Supreme Court; Districts

Section 4. The state shall be divided into at least six supreme court districts, with at least one judge elected from each. The present districts and the number of judges assigned to each are retained, subject to change by a two-thirds vote of the elected members of each house of the legislature.

Section 5. Supreme Court; Supervisory, Original, and Appellate Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5. (A) The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law. It may assign a sitting or retired judge to any court.

(B) The supreme court has exclusive original jurisdiction of disciplinary proceedings against members of the bar.

(C) Except as otherwise provided in this constitution, the supreme court's jurisdiction in civil cases extends to both the law and the facts. In criminal matters, its appellate jurisdiction extends only to questions of law.

(D) In addition to appeals provided for elsewhere in this constitution, the following cases shall be appealable to the supreme court:

(1) A case in which a law or ordinance has been declared unconstitutional;

(2) Cases in which the defendant has been convicted of a felony or in which a fine exceeding five hundred dollars or imprisonment exceeding six months has been actually imposed.

(E) Subject to the provisions of Paragraph (C), the supreme court has appellate jurisdiction over all issues involved in any civil action properly before it.

(F) In all criminal cases not provided for in subsection (D) (2) of this Section an accused shall have a right of appeal or review, as provided by law.

Section 6. Supreme Court; the Chief Justice

Section 6. (A) When a vacancy in the office of chief justice occurs, the judge oldest in point of service on the court, shall succeed to the office.

(B) The chief justice is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court.

Section 7. Supreme Court; Judicial Administrator, Clerks and Staff

Section 7. The supreme court has authority to select a judicial administrator, its clerks, and other personnel, and prescribe their duties.

Section 8. Courts of Appeal; Panels; Number Necessary to Decision; Terms

Section 8. The state shall be divided into at least four circuits, with one court of appeal in each circuit. Each court shall sit in panels of at least three judges selected according to rules adopted by the court. A majority of the judges sitting in a case must concur to render judgment. However, when the judgment of the district court is to be modified or reversed, and one judge dissents, the case shall be reargued, before a panel of at least five judges, prior to rendition of judgment, and a majority must concur to render judgment. The term of a court of appeal judge shall be ten years.

Section 9. Courts of Appeal; Circuits and Districts

Section 9. Each circuit shall be divided into at least three districts, with at least one judge elected from each. After January 1, 1975, no judge shall be elected at large from within the circuit. The present circuits and districts and the number of judges as elected in each circuit are retained, subject to change by two-thirds vote of the elected members in each house of the legislature.

Section 10. Courts of Appeal; Appellate and Supervisory Jurisdiction

Section 10. (A) Except in those cases appealable to the supreme court and as otherwise provided in this constitution, a court of appeal has appellate jurisdiction of all civil cases decided within its circuit. It has appellate jurisdiction of all matters appealed from the family and juvenile courts, except criminal prosecutions of persons other than juveniles. It has supervisory jurisdiction over all cases in which an appeal would lie to that court.

(B) Except as limited to questions of law by this constitution or as provided by law in the case of review of administrative agency determinations, its appellate jurisdiction extends to law and facts.

Section 11. Courts of Appeal; Certification to Supreme Court; Determination

Section 11. A court of appeal may certify any question of law before it to the supreme court, whereupon the supreme court may give its binding instruction, or consider and decide the case upon the whole record.

Section 12. Courts of Appeal; Chief Judge; Duties

Section 12. There shall be a chief judge of each court of appeal who shall be the judge oldest in point of service on the court and who shall administer the court subject to rules adopted by the court.

Section 13. Courts of Appeal; Clerks and Staff

Section 13. Each court of appeal has authority to select its clerk and other personnel and prescribe their duties.

Section 14. District Courts; Judicial Districts

Section 14. The state shall be divided into judicial districts; each composed of one or more parishes and served by one or more district judges.

Section 15. Courts; Continued; Jurisdiction; Judicial Districts Changes; Terms

Section 15. (A) The district, parish, magistrate, city, family, and juvenile courts existing at the time of the adoption of this constitution are retained. The legislature may abolish or merge trial courts of limited or specialized jurisdiction subject to the limitations in Sections 16 and 21 of this Article. The legislature may establish trial courts of limited jurisdiction which shall have parish wide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state. The office of city marshal is continued until such time as the city court he serves is abolished by the legislature.

(B) The judicial districts existing at the time of the adoption of this constitution are retained. The legislature, by a majority vote of the elected members of each house, with approval in a referendum in each district and parish affected, may establish, divide, or merge judicial districts, subject to the limitations of Section 21 of this Article.

(C) The term of a district and parish judges shall be six years.

(D) The legislature may increase or decrease the number of judges in any judicial district by a two-thirds vote of the elected membership of each house.

Section 15.1. City Court Judges; Terms

Section 15.1. A judge of a city court shall be elected for the same term as a district court judge.

Section 16. District Courts; Original Jurisdiction

Section 16. (A) Unless otherwise authorized by this constitution, a district court shall have original jurisdiction in all civil and criminal matters. It shall have exclusive original jurisdiction: of felony cases and of cases involving: the title to immovable property; the right to office or other public position; civil or political rights; probate and succession matters; the state, a political corporation, or a succession, as a party defendant, regardless of the amount in dispute; and the appointment of receivers or liquidators to corporations or partnerships.

(B) A district court shall have appellate jurisdiction as provided by law.

Section 17. District Courts; Chief Judge

Section 17. Each district court shall elect from its members a chief judge who shall exercise, for the term designated by the court, the administrative functions as prescribed by rule of court.

Section 18. Juvenile Courts; Jurisdiction

Section 18. Notwithstanding any provision of this Article to the contrary, the juvenile and family courts shall have such jurisdiction as the legislature shall provide by law.

Section 19. Mayors' Courts; Justices of the Peace; Continued

Section 19. Mayors' courts and justice of the peace courts existing at the time of the adoption of this constitution are continued subject to change by the legislature.

Section 21. Judges; Term of Office or Compensation May Not Be Decreased

Section 21. No judge's term of office or compensation shall be decreased during the term for which he is elected.

Section 22. Judges; Election; Vacancy in Office

Section 22. (A) Except as otherwise provided in this Section all judges shall be elected. Election of judges shall be at the regular congressional election.

(B) A newly-created judgeship or a vacancy in the office of any judge shall be filled by a special election which shall be called by the governor, and held within six months of the day on which the vacancy occurs or the judgeship is established, except when the vacancy occurs in the last six months of an existing term. Until the vacancy is filled, the supreme court shall appoint a person meeting the qualifications other than domicile for the office, to serve at its pleasure, who shall be ineligible as a candidate for election to the judgeship at the election to fill the vacancy or the newly created judicial office. For service as an appointed judge, the person appointed to fill the vacancy, other than a retired judge, shall not be eligible for retirement benefits provided for the elected judiciary.

(C) A judge serving on the date of adoption of this constitution shall continue in office for the term to which elected and shall serve through December thirty-first of the last year of his term or, if the last year of his term is not in the even-numbered year of a regular congressional election, then through December thirty-first of the following year. The election for the next term in the office will be held in the year in which the term expires as provided above.

Section 23. Retirement of Judges

Section 23. (A) Within two years after the effective date of this constitution, the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the statute enacting the system and to which a judge in office at the time of its adoption may elect to join with credit for all prior years of judicial service without contribution therefor; provided, however, a judge in office or retired at the time of adoption of this constitution, shall not have diminished any retirement benefits or judicial service rights, nor shall the benefits to which his surviving spouse is entitled, be reduced.

(B) A judge shall not remain in office beyond his seventieth birthday, except as otherwise provided in this Section.

Section 24. Judges; Qualifications; Practice of Law Prohibited

Section 24. A judge of the supreme court, court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction shall have been admitted to the practice of law in this state for at least five years prior to his election, shall have been domiciled in the respective district, circuit, or parish for at least two years immediately preceding election, and shall not practice law.

Section 25. Judiciary Commission; Composition; Terms; Vacancy; Grounds for Removal; Powers

Section 25. (A) The Judiciary Commission shall consist of one court of appeal judge and two district court judges selected by the supreme court; two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years who are not judges, active or retired, nor public officials other than notaries public, selected by the Louisiana Conference of Court of Appeal Judges' Association or its successor; and three citizens, not lawyers, judges active or retired, nor public officials, ap-

pointed by the Louisiana District Judges' Association or its successor.

(B) A member of the commission shall serve a four-year term and shall not be eligible to succeed himself.

(C) A member's term shall terminate when he loses the status causing his appointment or when any event occurs which would have made him ineligible for appointment.

(D) When a vacancy occurs, a successor shall be appointed for a four-year term by the authority which appointed his predecessor.

(E) On recommendation of the Judiciary Commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the Judiciary Commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during the pendency of the proceedings in the supreme court. On recommendation of the Judiciary Commission, the supreme court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is, or is likely to become, of a permanent character. The supreme court shall make rules implementing this section and providing for confidentiality and privilege of commission proceedings.

(F) Action against a judge under this Section shall not preclude disciplinary action against him with respect to his license to practice law.

Section 26. Department of Justice; Composition; Attorney General; Election and Assistants

Section 26. There shall be a department of justice consisting of an attorney general, a first assistant attorney general, and other necessary assistants and staff. The attorney general shall be elected for a term of four years at the state general election, and the assistants shall be appointed by the attorney general to serve at his pleasure.

Section 27. Attorney General; Powers and Duties; Vacancy

Section 27. (A) The attorney general shall be the state's chief legal officer. As may be necessary for the assertion or protection of the rights and interests of the state, the attorney general shall have authority to:

(1) institute and prosecute or intervene in any civil actions or proceedings;

(2) advise and assist, upon request of a district attorney, in the prosecution of a criminal case; and

(3) for cause when authorized by the court of original jurisdiction in which any proceeding or affidavit is pending, subject to judicial review, supersede any attorney representing the state in any civil or criminal action.

He shall have such other powers and perform such other duties as may be authorized by this constitution or provided by statute.

Section 28. District Attorney; Election; Qualifications; Assistants

Section 28. In each judicial district a district attorney shall be elected by the qualified electors of the district for a term of six years. He shall have been admitted to the practice of law in the state for at least five years prior to his election and shall have resided in the district for the two years immediately preceding election. A district attorney may select such assistants as may be authorized by law and other personnel.

Section 29. Defense of Criminal Prosecution; Removal

Section 29. No district attorney or assistant district attorney shall appear, plead or in any way defend, or assist in defending any criminal prosecution or charge. A violation shall be cause for removal.

Section 30. Sheriff; Duties; Tax Collector

Section 30. In each parish, a sheriff shall be elected for a term of four years. He shall be the chief law enforcement officer in the parish, except as otherwise provided by this constitution, and shall execute court orders and process. He shall be the collector of state and parish ad valorem

taxes and such other taxes and licenses as provided by law.

This section shall not apply to the parish of Orleans.

Section 31. Clerks; Elections; Powers and Duties; Deputies; Office Hours

Section 31. (A) In each parish, a clerk of the district court shall be elected by the qualified electors of the parish for a term of four years. He shall be ex officio notary public and parish recorder of conveyances, mortgages, and other acts and shall have such other duties and powers as may be prescribed by law. The clerk may appoint deputies with such duties and powers as may be prescribed by law and he may appoint, with the approval of the district judges, minute clerks with such duties and powers as may be prescribed by law.

(B) The legislature shall establish statewide uniform office hours for all clerks of district courts.

Section 32. Coroner; Election; Term; Qualifications; Duties

Section 32. In each parish, a coroner shall be elected for a term of four years. He shall be a licensed physician and possess such other qualifications and perform such duties as are provided by law; however, the requirement that he be a licensed physician shall not apply to any parish in which there is no licensed physician who will accept the office.

Section 33. Vacancies

Section 33. When a vacancy occurs in the following offices, the duties of the office, until it is filled by election as provided by law, shall be assumed by: in the case of sheriff, the chief criminal deputy; district attorney, the first assistant; clerk of a district court, the chief deputy; coroner, the chief deputy. If there is no such person to assume the duties at the time of the vacancy, the governing authority or authorities of the parish or parishes concerned shall appoint a qualified person to assume the duties of the office until filled by election.

Section 34. Reduction of Salaries and Benefits Prohibited

Section 34. No attorney general, judge, district attorney, sheriff, coroner, or clerk of the district court shall have his salary or retirement benefits diminished during his term of office.

Section 35. Orleans Parish Courts, Officials; Continued

Section 35. Except for provisions relating to terms of office as provided elsewhere in this Article and notwithstanding any other provision of this constitution to the contrary, the following courts and officers in Orleans Parish are continued, subject to change by a vote of a majority of the elected members of each house of the legislature: the civil and criminal district courts, the city, municipal, traffic and juvenile courts, the clerks of the civil and criminal district courts, the civil and criminal sheriffs, the constables and the clerks of the first and second city courts, the register of conveyances, and the recorder of mortgages.

Section 36. Jurors; Qualifications; Exemptions

Section 36. (A) A citizen of the state, who is domiciled within the parish in which he is to serve as a juror and who has reached the age of majority, is eligible to serve as a juror. The legislature may provide additional qualifications.

(B) The supreme court by rule shall provide for exemption of jurors.

Section 37. Grand Jury

Section 37. (A) There shall be a grand jury or grand juries in each parish whose qualifications, duties and responsibilities shall be provided by law. The secrecy of the proceedings, including the identity of the witnesses appearing, shall be provided for by law.

(B) Except as otherwise provided in this constitution, a district attorney, or his designated assistant, shall have charge of every criminal prosecution by the state in his district, shall be the representative of the state in his district before the grand jury, and its legal advisor. He shall perform such other duties as may be provided by law.

(C) At all stages of grand jury proceedings, anyone testifying in such proceedings shall have the right to the advice of counsel while testifying.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Rayburn the rules were suspended in order to call a meeting of the Committee on Revenue,

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Finance and Taxation without giving the required 24 hour notice.

COMMITTEE NOTICE

Mr. Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Wednesday, August 29, 1973, after adjournment in Committee Room No. 4 and will consider the following agenda:

AGENDA

To consider Committee Proposal No. 26.

Respectfully submitted.

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Derbes—1 day.

Adjournment

Mr. Stovall moved that the Convention do now adjourn until Thursday, August 30, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Vice-Chairman Casey declared the Convention adjourned to Thursday, August 30, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

THIRTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, August 30, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Mr. Chairman	Fowler	Perkins
Abraham	Fulco	Planchard
Aertker	Gauthier	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hayes	Roemer
Badeaux	Haynes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jack	Segura
Bollinger	Jackson, A.	Shannon
Brien	Jackson, J.	Silverberg
Brown	Jenkins	Singletary
Burns	Juneau	Slay
Burson	Kean	Smith
Cannon	Kelly	Soniat
Carmouche	Kilbourne	Stagg
Casey	Kilpatrick	Stephenson
Champagne	Lambert	Stinson
Chatelain	Landrum	Stovall
Chehardy	Landry, A.	Sutherland
Conino	Landry, E. J.	Tapper
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Ullio
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Drew	Maubertret	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Weiss
Edwards	Munson	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Womack
Fontenot	Perez	Zervigon
Total—125.		

ABSENT

Giarrusso	Tate	Wall
Hardee	Taylor	Wattigny
Newton		
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Ullio led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Reeves, the reading of the Journal
was dispensed with.

On motion of Delegate Reeves, the Journal of yesterday was
adopted.

Morning Hour

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals
on second reading to be referred to committees were taken
up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 31—

Introduced by Delegate Dennery:

A PROPOSAL

Providing for trust; forced heirship.

Read.

Under the rules the above Proposal was referred to the
Committee on Bill of Rights and Elections.

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for Committee Pro-
posal No. 2, by Delegate A. Jackson, Chairman, on behalf of
the Committee on Bill of Rights and Elections, and Delegates
Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall
and Weiss):

Read.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection
of the laws nor shall any law discriminate against a person
in the exercise of rights on account of birth, race, age, sex,
social origin, physical condition, or political or religious ideas.
Slavery and involuntary servitude are prohibited, except
in the latter case as a punishment for crime.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 25, Section 3, when
it adjourned on Wednesday, August 29, 1973, which was taken
up and acted upon as follows:

Delegate Dennery sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery, Gravel, Avant,
Conroy, Abraham, Arnette, Bel, Brien, Burns, Burson, Cham-
pagne, Chatelain, Chehardy, Conino, D'Gerolamo, De Blieux,
Dennis, Flory, Gauthier, Ginn, Grier, Guarisco, Heine, J.
Jackson, E. J. Landry, Lanier, Miller, Pugh, Roy, Schmitt,
Stagg, Stovall, Tapper, Thistlethwaite, Goldman, Velazquez
and Weiss to Committee Proposal No. 25 by Delegate A. Jack-
son, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 12 in their entirety and
insert in lieu thereof the following:

"Section 3. No person shall be denied the equal protection

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of the law. No law shall discriminate against a person on account of race or religious ideas, religious beliefs, or religious affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against any person by reason of birth, age, sex, culture, physical condition, political ideas or political affiliation. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime."

Delegate Dennery moved the adoption of the amendment.

Delegate Kilbourne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Rachal
Abraham	Fontenot	Rayburn
Alexander	Fowler	Reeves
Anzalone	Fulco	Riecke
Arnette	Gauthier	Robinson
Asseff	Ginn	Roemer
Avant	Goldman	Slay
Badeaux	Gravel	Sandoz
Bel	Grier	Schmitt
Bergeron	Guarisco	Shannon
Blair	Hayes	Silverberg
Bollinger	Haynes	Singletary
Brien	Heine	Smith
Brown	Hernandez	Soniat
Burns	Jack	Stagg
Burson	Jackson, A.	Stephenson
Carmouche	Jackson, J.	Stovall
Casey	Juneau	Sutherland
Champagne	Kelly	Tapper
Chatelain	Kilpatrick	Thistlethwaite
Chehardy	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Ullo
Cowen	Lennox	Velazquez
D'Gerolamo	Lowe	Vick
De Blieux	McDaniel	Warren
Dennery	Martin	Weiss
Dennis	Mauberret	Winchester
Derbes	Miller	Wisham
Deshotels	Nunez	Womack
Dunlap	O'Neill	Zervigon
Duval	Planchard	
Elkins	Pugh	
Total—101.		

NAYS

Delegates—		
Drew	LeBleu	Perkins
Kilbourne	Leigh	Stinson
Total—6.		

ABSENT

Delegates—		
Aertker	Lambert	Tate
Alario	LeBreton	Taylor
Cannon	Leithman	Toomy
Edwards	Mire	Vesich
Fayard	Munson	Wall
Giarrusso	Newton	Wattigny
Hardee	Ourso	Winchester
Jenkins	Perez	
Kean	Segura	
Total—25.		

And the amendment was adopted.

Passage

Committee Proposal No. 25, Section 3, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Pugh
Abraham	Fontenot	Rachal
Alario	Fowler	Rayburn
Alexander	Fulco	Reeves
Anzalone	Gauthier	Riecke
Arnette	Ginn	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Guarisco	Schmitt
Bergeron	Hayes	Shannon
Blair	Haynes	Silverberg
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stagg
Casey	Jenkins	Stephenson
Champagne	Juneau	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilpatrick	Tapper
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vick
Dennis	Martin	Warren
Derbes	Mauberret	Weiss
Deshotels	Miller	Winchester
Drew	Nunez	Wisham
Dunlap	O'Neill	Womack
Duval	Perkins	Zervigon
Elkins	Planchard	
Total—104.		

NAYS

Delegates—		
Kilbourne	LeBleu	Stinson
Total—3.		

ABSENT

Delegates—		
Aertker	Landrum	Tate
Brown	LeBreton	Taylor
Cannon	Leithman	Toomy
Edwards	Mire	Vesich
Fayard	Munson	Wall
Giarrusso	Newton	Wattigny
Hardee	Ourso	Willis
Kean	Perez	
Lambert	Segura	
Total—25.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Right to Property

Section 4. Every person has the right to acquire by voluntary means, to own, to control, to enjoy, to protect, and to dispose of private property. This right is subject to the reasonable exercise of the police power and to the law of forced heirship. Property shall not be taken or damaged except for a public and necessary purpose and with just compensation paid to the owner or into court for his benefit. The owner shall be compensated to the full extent of his loss and has the right to a trial by jury to determine such compensation. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, and per-

sonal effects, other than contraband, shall never be taken. The issue of whether the contemplated purpose be public and necessary shall be a judicial question, and determined as such without regard to any legislative assertion.

Read.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 14, after the words "right to" delete the remainder of the line and delete line 15 in its entirety and insert in lieu thereof the following:

"acquire control, enjoy, own, protect, use, and"

AMENDMENT No. 2—

On page 2, line 19, after the words "purpose and" and before the word "just" delete the word "with" and insert in lieu thereof the words "only after"

AMENDMENT No. 3—

On page 2, line 19, after the word "compensation" add the words "has been"

AMENDMENT No. 4—

On page 2, line 20, after the word "paid" delete the remainder of the line, and insert in lieu thereof the following: "directly or indirectly to the owner or possessor. The owner"

On motion of Delegate Arnette a division of the question was ordered.

Delegate Pugh moved the adoption of the amendment No. 1.

Delegate Jenkins objected.

By a vote of 99 yeas and 7 nays the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh moved the adoption of amendments Nos. 2 and 3.

Delegate Abraham objected.

By a vote of 21 yeas and 82 nays the amendments were rejected.

Delegate Abraham moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh moved the adoption of the Amendment No. 4.

Delegate Abraham objected.

By a vote of 25 yeas and 81 nays the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Dennery sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 14, immediately after the word "person" and before the word "has" insert the following: "subject to reasonable statutory restrictions,"

Delegate Dennery moved the adoption of the amendment.

Delegate Bollinger objected.

By a vote of 74 yeas and 38 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery and Singletary to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 17 after the word "power" insert a period "." and delete the remainder of the line and on line 18 at the beginning of the line delete the word and punctuation "heirship."

Delegate Dennery moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fulco	Sandoz
Arnette	Ginn	Schmitt
Avant	Goldman	Singletary
Bel	Gravel	Slay
Brien	Guarisco	Smith
Brown	Jack	Soniat
Carmouche	Jenkins	Stagg
Casey	LeBreton	Stovall
Chatelain	Leigh	Sutherland
Chehardy	McDaniel	Thistlethwaite
Conroy	Martin	Thompson
Cowen	Miller	Tobias
D'Gerolamo	Mire	Toca
De Blieux	Munson	Toomy
Dennery	O'Neill	Ullo
Dennis	Perkins	Velazquez
Derbes	Pugh	Vick
Elkins	Reeves	Womack
Flory	Riecke	Zervigon
Fontenot	Roemer	

Total—59.

NAYS

Delegates—

Aertker	Fowler	Lowe
Alario	Gauthier	Mauberret
Alexander	Grier	Nunez
Anzalone	Haynes	Perez
Asseff	Heine	Planchard
Badeaux	Hernandez	Rachal
Bergeron	Jackson, A.	Rayburn
Blair	Jackson, J.	Roy
Bollinger	Juneau	Shannon
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Champagne	Kilbourne	Tapper
Conino	Kilpatrick	Warren
Corne	Landrum	Weiss
Deshotels	Landry, A.	Willis
Drew	Landry, E. J.	Winchester
Dunlap	Lanier	Wisham
Duval	LeBleu	
Edwards	Lennox	

Total—55.

ABSENT

Delegates—		
Mr. Chairman	Lambert	Silverberg
Cannon	Leithman	Tate
Fayard	Newton	Taylor
Giarrusso	Ourso	Vesich
Hardee	Robinson	Wall
Hayes	Segura	Wattigny
Total—18.		

And the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Fulco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fulco and Chehardy to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 16, after the word "property" change the period "." to a semicolon ";" and add the following: "and every person shall be entitled to own his home free of any state, parish, local, or any other taxes whatsoever. The legislature shall define what constitutes a home."

Motion

Delegate Chehardy moved that the rules be suspended in order to allow Delegate Chehardy an additional ten minutes to answer questions from the floor of the Convention.

Delegate Champagne objected.

Substitute Motion

As a substitute Delegate Champagne moved that Delegate Chehardy be allowed an additional 35 minutes to answer questions from the floor of the Convention.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Fontenot	Mauberret
Alexander	Fulco	Nunez
Anzalone	Goldman	Pugh
Asseff	Gravel	Riecke
Badeaux	Grier	Roy
Bel	Guarisco	Singletary
Bergeron	Hayes	Slay
Brown	Jack	Stephenson
Chatelain	Jackson, J.	Stinson
Chehardy	Kilbourne	Tapper
Conino	Kilpatrick	Tobias
Corne	Lambert	Toca
D'Gerolamo	Landrum	Toomy
Deshotels	Landry, A.	Ullo
Edwards	Landry, E. J.	Velazquez
Elkins	Lanier	Weiss
Fayard	LeBleu	Willis
Flory	McDaniel	Winchester
Total—54.		

NAYS

Delegates—		
Abraham	Blair	Burson
Aertker	Bollinger	Carmouche
Arnette	Brien	Casey
Avant	Burns	Champagne

Conroy	Kean	Robinson
Cowen	Kelly	Roemer
De Blieux	LeBreton	Sandoz
Dennery	Leigh	Shannon
Dennis	Lennox	Smith
Derbes	Lowe	Soniat
Drew	Martin	Stagg
Dunlap	Miller	Stovall
Duval	Mire	Sutherland
Fowler	Munson	Thistlethwaite
Gauthier	O'Neill	Thompson
Ginn	Perez	Vick
Haynes	Perkins	Warren
Heine	Planchard	Wisham
Hernandez	Rachal	Womack
Jenkins	Rayburn	Zervigon
Juneau	Reeves	

Total—62.

ABSENT

Delegates—		
Mr. Chairman	Newton	Taylor
Cannon	Ourso	Vesich
Giarrusso	Schmitt	Wall
Hardee	Segura	Wattigny
Jackson, A.	Silverberg	
Leithman	Tate	

Total—16.

And the Convention refused to suspend the rules at this time.

Substitute Motion

As a further substitute, Delegate Velazquez moved that the rules be suspended in order to allow Delegate Chehardy an additional 20 minutes to answer questions from the floor of the Convention.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Edwards	Nunez
Alexander	Fayard	Planchard
Anzalone	Flory	Pugh
Asseff	Fontenot	Rachal
Avant	Fulco	Reeves
Badeaux	Goldman	Riecke
Bel	Gravel	Roy
Bergeron	Grier	Singletary
Bollinger	Guarisco	Slay
Brien	Hayes	Stinson
Brown	Jack	Tapper
Burns	Jackson, J.	Thompson
Carmouche	Jenkins	Tobias
Chatelain	Kilbourne	Toca
Chehardy	Kilpatrick	Toomy
Conino	Lambert	Ullo
Corne	Landrum	Velazquez
D'Gerolamo	Landry, A.	Warren
Dennery	Landry, E. J.	Weiss
Deshotels	Lanier	Willis
Dunlap	LeBleu	Winchester
Duval	Mauberret	

Total—65.

NAYS

Delegates—		
Abraham	Ginn	Martin
Aertker	Haynes	Miller
Arnette	Heine	Mire
Blair	Hernandez	Munson
Burson	Jackson, A.	O'Neill
Casey	Juneau	Perez
Conroy	Kean	Perkins
Cowen	Kelly	Rayburn
De Blieux	LeBreton	Robinson
Dennis	Leigh	Roemer
Derbes	Lennox	Sandoz
Elkins	Lowe	Shannon
Gauthier	McDaniel	Smith

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Soniat	Sutherland	Womack
Stagg	Thistlethwaite	Zervigon
Stephenson	Vick	
Stovall	Wisham	
Total—49.		

ABSENT		
Delegates—		
Mr. Chairman	Hardee	Silverberg
Cannon	Leithman	Tate
Champagne	Newton	Taylor
Drew	Ourso	Vesich
Fowler	Schmitt	Wall
Giarrusso	Segura	Wattigny
Total—18.		

And the Convention refused to suspend the rules at this time.

Motion

Delegate Stinson moved to reconsider the vote by which the Convention refused to suspend the rules for 20 minutes to answer questions from the floor of the Convention.

Delegate Champagne objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Aertker	Fayard	Nunez
Alario	Flory	Planchard
Alexander	Fontenot	Pugh
Anzalone	Fowler	Riecke
Asseff	Fulco	Roy
Avant	Goldman	Shannon
Badeaux	Gravel	Singletary
Bel	Grier	Slay
Bergeron	Guarisco	Stinson
Brien	Hayes	Tapper
Brown	Hernandez	Thompson
Carmouche	Jackson, A.	Tobias
Chatelain	Jackson, J.	Toca
Chehardy	Jenkins	Toomy
Conino	Kilbourne	Ullo
Corne	Lambert	Velazquez
D'Gerolamo	Landrum	Warren
Dennerly	Landry, A.	Willis
Deshotels	Lanier	Winchester
Dunlap	LeBleu	
Edwards	Mauberrret	
Total—61.		

NAYS		
Delegates—		
Abraham	Jack	Rachal
Arnette	Juneau	Rayburn
Blair	Kean	Robinson
Bollinger	Kelly	Roemer
Burns	Kilpatrick	Sandoz
Burson	Landry, E. J.	Schmitt
Casey	LeBreton	Smith
Champagne	Leigh	Soniat
Conroy	Lennox	Stagg
Cowen	Lowe	Stephenson
De Blieux	McDaniel	Stovall
Derbes	Martin	Sutherland
Duval	Miller	Thistlethwaite
Elkins	Mire	Vick
Gauthier	Munson	Weiss
Ginn	O'Neill	Wisham
Haynes	Perez	Womack
Heine	Perkins	Zervigon
Total—54.		

ABSENT

Delegates—		
Mr. Chairman	Leithman	Tate
Cannon	Newton	Taylor
Dennis	Ourso	Vesich
Drew	Reeves	Wall
Giarrusso	Segura	Wattigny
Hardee	Silverberg	
Total—17.		

And the vote by which the Convention refused to suspend the rules for a period of 20 minutes was reconsidered.

Delegate Stinson insisted on the motion made by Delegate Velazquez for a suspension of the rules for a period of 20 minutes to allow Delegate Chehardy to answer questions from the floor of the Convention.

Delegate Champagne objected.

A record vote was asked for and order by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Aertker	Edwards	Leigh
Alario	Fayard	Mauberrret
Alexander	Flory	Nunez
Anzalone	Fowler	Perez
Asseff	Goldman	Planchard
Avant	Fulco	Pugh
Badeaux	Gravel	Riecke
Bel	Grier	Roy
Bergeron	Guarisco	Singletary
Bollinger	Hayes	Slay
Brien	Hernandez	Stinson
Brown	Jack	Tapper
Carmouche	Jackson, A.	Tobias
Chatelain	Jackson, J.	Toca
Chehardy	Jenkins	Toomy
Conino	Juneau	Ullo
Corne	Kilbourne	Velazquez
D'Gerolamo	Lambert	Weiss
Dennerly	Landrum	Willis
Deshotels	Landry, A.	Winchester
Drew	Lanier	
Dunlap	LeBleu	
Total—64.		

NAYS

Delegates—		
Abraham	Kean	Roemer
Arnette	Kelly	Sandoz
Blair	Kilpatrick	Schmitt
Burns	Landry, E. J.	Shannon
Burson	LeBreton	Smith
Casey	Lennox	Soniat
Champagne	Lowe	Stagg
Conroy	McDaniel	Stephenson
Cowen	Martin	Stovall
De Blieux	Miller	Sutherland
Derbes	Mire	Thistlethwaite
Duval	Munson	Thompson
Elkins	O'Neill	Vick
Fontenot	Perkins	Warren
Gauthier	Rachal	Wisham
Ginn	Rayburn	Womack
Haynes	Reeves	Zervigon
Heine	Robinson	
Total—53.		

ABSENT

Delegates—		
Mr. Chairman	Leithman	Tate
Cannon	Newton	Taylor
Dennis	Ourso	Vesich
Giarrusso	Segura	Wall
Hardee	Silverberg	Wattigny
Total—15.		

And the Convention refused to suspend the rules at this time.

The vote recurred on the original motion of Delegate Chehardy.

Delegate Champagne objected.

By a vote of 95 yeas and 21 nays the rules were suspended to allow Delegate Chehardy a period of 10 minutes to answer questions.

On motion of Delegate Fulco the amendment was withdrawn.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 18, after the word "damaged" and the word "except" insert the words "by any public or quasi-public agencies"

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean, Heine to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 19, immediately after the word "purpose" insert a period "." and delete the remainder of the line and delete line 20 in its entirety and insert in lieu thereof the following:

"Just compensation shall be paid to the property owner or, in the event of disagreement, an estimate of just compensation, based upon appraisal, shall be paid into court for his benefit. In the latter event, possession shall be delivered upon deposit with the court. The owner"

Delegate Kean moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and order by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Perez
Aertker	Heine	Pugh
Alexander	Jack	Riecke
Bel	Jenkins	Robinson
Brien	Kean	Smith
Casey	Kilbourne	Stagg
Champagne	Leigh	Stephenson
Conroy	Lennox	Toomy
Dennery	Lowe	
Drew	Munson	
Total—28.		

NAYS

Delegates—		
Anzalone	Cannon	Duval
Arnette	Carmouche	Edwards
Asseff	Chatelain	Elkins
Avant	Chehardy	Fayard
Badeaux	Conino	Flory
Bergeron	Corne	Fontenot
Blair	Cowen	Fulco
Bollinger	D'Gerolamo	Gauthier
Burns	De Blieux	Ginn
Burson	Dunlap	Goldman

Gravel	Miller
Grier	Mire
Guarisco	Nunez
Hayes	O'Neill
Hernandez	Planchard
Jackson, A.	Rayburn
Jackson, J.	Reeves
Juneau	Roemer
Kelly	Roy
Kilpatrick	Sandoz
Landry, A.	Schmitt
Landry, E. J.	Segura
Lanier	Singletary
LeBleu	Slay
McDaniel	Soniat
Martin	Stinson
Mauberret	Stovall
Total—79.	

ABSENT

Delegates—		
Mr. Chairman	Lambert	Silverberg
Alario	Landrum	Sutherland
Brown	LeBreton	Tate
Dennis	Leithman	Taylor
Derbes	Newton	Tobias
Deshotels	Ourso	Wall
Giarrusso	Perkins	Wattigny
Hardee	Rachal	
Haynes	Shannon	
Total—25.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Petitions, Memorials and Communication at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

STATE OF LOUISIANA
Office of the Governor
Baton Rouge

August 29, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

(Dean) Louis Berry, Law School, Southern University, Baton Rouge, as Delegate to the Constitutional Convention of 1973, vice Representative Dorothy Mae Taylor, resigned (AT LARGE).

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

OATH OF OFFICE

Dean Louis Berry appeared before the bar of the Convention and took the following oaths of office administered by Honorable David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

"I (Louis Berry) do solemnly swear that I will support the Constitution and laws of the United States and the Con-

stitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Chairman Henry in the Chair

Proposals Delegate and Committee Resumed

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

Read.

Section 4. Right to Property

Section 4. Every person has the right to acquire by voluntary means, to own, to control, to enjoy, to protect, and to dispose of private property. This right is subject to the reasonable exercise of the police power and to the law of forced heirship. Property shall not be taken or damaged except for a public and necessary purpose and with just compensation paid to the owner or into court for his benefit. The owner shall be compensated to the full extent of his loss and has the right to a trial by jury to determine such compensation. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, and personal effects, other than contraband, shall never be taken. The issue of whether the contemplated purpose be public and necessary shall be a judicial question, and determined as such without regard to any legislative assertion.

Read.

Delegate Conroy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Conroy to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 24, at the beginning of the line, delete the words "purpose of operating that enterprise or for the"

AMENDMENT No. 2—

On page 2, line 25, after the word "enterprises," change the comma "," to a period "." and delete the remainder of the line and delete line 26 in its entirety

On motion of Delegates Conroy a division of the question was ordered.

Delegate Conroy moved the adoption of Amendment No. 1.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—
Abraham
Alario
Arnette
Burns
Burson
Cannon
Casey
Champagne
Chatelain
Chehardy
Conino
Conroy
Corne
De Blieux
Dennery
Total—45.

YEAS

Dennis
Deshotels
Drew
Elkins
Fontenot
Fowler
Fulco
Gauthier
Grier
Hernandez
Kilbourne
Landry, A.
Lanier
LeBleu
Lennox
McDaniel
Mauberret
Planchard
Sandoz
Schmitt
Shannon
Smith
Stagg
Stovall
Sutherland
Thistlethwaite
Tobias
Toomy
Velazquez
Zervigon

Delegates—
Mr. Chairman
Alexander
Anzalone
Asseff
Avant
Badeaux
Bel
Bergeron
Bollinger
Brien
Brown
Carmouche
Cowen
Dunlap
Edwards
Fayard
Flory
Ginn
Goldman
Gravel
Guarisco
Total—61.

NAYS

Hayes
Haynes
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kelly
Kilpatrick
Landrum
Landry, E. J.
Leigh
Lowe
Martin
Miller
Munson
Nunez
O'Neill
Perez
Pugh
Reeves
Riecke
Robinson
Roemer
Roy
Segura
Singletary
Slay
Soniat
Stephenson
Stinson
Thompson
Ullo
Vesich
Vick
Weiss
Willis
Winchester
Wisham
Womack

Delegates—
Aertker
Blair
Berry
D'Gerolamo
Derbes
Duval
Giarrusso
Hardee
Heine
Total—26.

ABSENT

Kean
Lambert
LeBreton
Leithman
Mire
Newton
Ourso
Perkins
Rachal
Rayburn
Silverberg
Tapper
Tate
Toca
Wall
Warren
Wattigny

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy moved the adoption of Amendment No. 2.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Alario
Cannon
Casey
Champagne
Chatelain
Chehardy
Conroy
Corne
Total—26.
Dennery
Dennis
Drew
Elkins
Gauthier
Lanier
Leigh
Lennox
McDaniel
Schmitt
Smith
Stovall
Sutherland
Tobias
Toomy
Velazquez
Zervigon

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39th Days Proceedings—August 30, 1973

NAYS

Delegates—		
Mr. Chairman	Goldman	Pugh
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Berry	Guarisco	Robinson
Arnette	Hayes	Roemer
Asseff	Haynes	Roy
Avant	Hernandez	Sandoz
Badeaux	Jack	Segura
Bel	Jackson, A.	Shannon
Bergeron	Jackson, J.	Singletary
Bollinger	Jenkins	Slay
Brien	Juneau	Soniat
Brown	Kelly	Stagg
Burns	Kilbourne	Stephenson
Burson	Kilpatrick	Stinson
Carmouche	Landrum	Tapper
Conino	Landry, A.	Thistlethwaite
Cowen	Landry, E. J.	Thompson
D'Gerolamo	LeBleu	Toca
De Blieux	Lowe	Ullo
Dunlap	Martin	Vesich
Edwards	Mauberret	Vick
Fayard	Miller	Weiss
Flory	Munson	Willis
Fontenot	Nunez	Winchester
Fowler	O'Neal	Wisham
Fulco	Perez	Womack
Ginn	Planchard	
Total—83.		

ABSENT

Delegates—		
Aertker	Kean	Rachal
Blair	Lambert	Rayburn
Derbes	LeBreton	Silverberg
Deshotels	Leithman	Tate
Duval	Mire	Wall
Giarrusso	Newton	Warren
Hardee	Ourso	Wattigny
Heine	Perkins	
Total—23.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid off the table.

Explanation of Vote

Delegate Duval sent up the following explanation of vote:

I have abstained from voting on Floor Amendment No. 1 and 2 proposed by Mr. Conroy, as I represent, as an attorney, clients who would have a substantial interest in the outcome of this proposition.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 27 through 29, in their entirety

Delegate Duval moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Dennery	Leigh
Anzalone	Dennis	Lennox
Arnette	Drew	McDaniel
Badeaux	Duval	Nunez
Bergeron	Elkins	Perez
Bollinger	Fowler	Pugh
Brown	Gauthier	Riecke
Casey	Jack	Robinson
Chatelain	Juneau	Stagg
Conroy	Kilbourne	Tobias
Corne	Landry, A.	Toomy
Cowen	Lanier	Zervigon
De Blieux	LeBleu	
Total—38.		

NAYS

Delegates—		
Abraham	Gravel	Schmitt
Alexander	Grier	Shannon
Asseff	Guarisco	Singletary
Avant	Hayes	Slay
Bel	Haynes	Smith
Berry	Hernandez	Soniat
Brien	Jackson, A.	Stephenson
Burns	Jackson, J.	Stinson v
Burson	Jenkins	Stovall
Cannon	Kelly	Sutherland
Carmouche	Kilpatrick	Tapper
Champagne	Lambert	Thistlethwaite
Chehardy	Landrum	Thompson
Conino	Landry, E. J.	Toca
D'Gerolamo	Lowe	Ullo
Derbes	Martin	Velazquez
Deshotels	Mauberret	Vesich
Dunlap	Miller	Vick
Fayard	Munson	Warren
Flory	O'Neill	Weiss
Fontenot	Planchard	Willis
Fulco	Roemer	Winchester
Ginn	Roy	Wisham
Goldman	Sandoz	
Total—71.		

ABSENT

Delegates—		
Mr. Chairman	LeBreton	Reeves
Aertker	Leithman	Segura
Blair	Mire	Silverberg
Edwards	Newton	Tate
Giarrusso	Ourso	Wall
Hardee	Perkins	Wattigny
Heine	Rachal	Womack
Kean	Rayburn	
Total—23.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Hernandez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 28, immediately after the words and punctuation "question, and" delete the word "determined" and insert in lieu thereof the following:

"the final determination as to necessity of the location shall be made after due consideration of the loss of aesthetic or historical values"

AMENDMENT No. 2—

On page 2, line 29, immediately before the word "without" delete the words "as such"

Delegate Hernandez moved the adoption of the amendment.

Delegate Lanier objected.

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39th Days Proceedings—August 30, 1973

By a vote of 78 yeas and 28 nays the amendment was adopted.

Delegate Hernandez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 29 and 30, add the following: "The provisions of this section shall not apply to appropriation of property for levee purposes."

Delegate Perez moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 86 yeas and 20 nays the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain, Lanier and Anzalone to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 25, after the word and punctuation "enterprises," add the following: "except that municipalities may expropriate, with just compensation, utilities within their jurisdiction."

Delegate Lanier moved the adoption of the amendment.

Delegate O'Neill objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	Nunez
Anzalone	Drew	Perez
Arnette	Elkins	Planchard
Avant	Fayard	Robinson
Badeaux	Fontenot	Roy
Bollinger	Gauthier	Sandoz
Burns	Grier	Schmitt
Burson	Hayes	Shannon
Casey	Heine	Smith
Champagne	Hernandez	Stagg
Chatelain	Jack	Stovall
Conino	Jackson, J.	Sutherland
Conroy	Juneau	Thistlethwaite
Corne	Kelly	Tobias
Cowen	Kilpatrick	Toca
D'Gerolamo	Landrum	Uilo
De Blieux	Landry, A.	Velazquez
Dennery	Lanier	Vesich
Dennis	McDaniel	Warren
Derbes	Mauberrret	Zervigon
Total—60.		

NAYS

Delegates—		
Alario	Gravel	Reeves
Alexander	Guarisco	Roemer
Asseff	Haynes	Segura
Bel	Jackson, A.	Singletary
Bergeron	Jenkins	Slay
Berry	Kilbourne	Soniat
Brien	Landry, E. J.	Stinson
Brown	LeBleu	Tapper
Cannon	Leigh	Thompson
Carmouche	Lennox	Toomy
Dunlap	Lowe	Vick
Flory	Martin	Weiss
Fowler	Miller	Willis
Fulco	Mire	Winchester
Ginn	O'Neill	Wisham
Goldman	Pugh	
Total—47.		

ABSENT

Delegates—		
Mr. Chairman	Lambert	Riecke
Aertker	LeBreton	Silverberg
Blair	Leithman	Stephenson
Chehardy	Munson	Tate
Duval	Newton	Wall
Edwards	Ourso	Wattigny
Giarrusso	Perkins	Womack
Hardee	Rachal	
Kean	Rayburn	
Total—25.		

And the amendment was adopted.

Delegate Chatelain moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 19, immediately after the word "public" and before the word "purpose" delete the words "and necessary"

AMENDMENT No. 2—

On page 2, line 28, at the beginning of the line, immediately before the word "shall" delete the words "and necessary"

Delegate Casey moved the adoption of the amendments.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Dennis	Sandoz
Alexander	Deshotels	Soniat
Anzalone	Drew	Stagg
Arnette	Fayard	Sutherland
Asseff	Heine	Thistlethwaite
Bel	Kean	Tobias
Carmouche	Kilbourne	Toca
Casey	Lanier	Toomy
Champagne	Leigh	Uilo
Chatelain	Martin	Vesich
Chehardy	Mauberrret	Vick
Corne	Nunez	Womack
Cowen	Perez	Zervigon
D'Gerolamo	Riecke	
Dennery	Robinson	
Total—43.		

NAYS

Delegates—

Abraham	Goldman	O'Neill
Avant	Gravel	Planchard
Badeaux	Grier	Pugh
Berry	Guarisco	Reeves
Bergeron	Hayes	Roemer
Bollinger	Haynes	Roy
Brien	Hernandez	Schmitt
Brown	Jack	Segura
Burns	Jackson, A.	Shannon
Burson	Jackson, J.	Singletary
Conino	Jenkins	Slay
Conroy	Juneau	Smith
De Blieux	Kelly	Stephenson
Derbes	Kilpatrick	Stinson
Dunlap	Landrum	Tapper
Elkins	Landry, A.	Thompson
Flory	Landry, E. J.	Velazquez
Fontenot	LeBleu	Warren
Fowler	Lennox	Weiss
Fulco	Lowe	Willis
Gauthier	McDaniel	Winchester
Ginn	Mire	Wisham

Total—66.

ABSENT

Delegates—

Mr. Chairman	Lambert	Rachal
Aertker	LeBreton	Rayburn
Blair	Leithman	Silverberg
Cannon	Miller	Stovall
Duval	Munson	Tate
Edwards	Newton	Wall
Giarrusso	Ourso	Wattigny
Hardee	Perkins	

Total—23.

And the amendments were rejected.

Delegate O'Neill moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 19 immediately after the words "public and" insert the following:
"in the case of a public utility, a"

AMENDMENT No. 2—

On page 2, line 27, at the beginning of the line delete the word "The" and insert in lieu thereof the following:
"With regard to a taking or damaging by a public utility, the"

Delegate Perez moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Avant	Casey
Alario	Badeaux	Chatelain
Anzalone	Bel	Conino
Arnette	Burson	Corne
Asseff	Carmouche	Cowen

Dennerly

Dennis	Landry, A.
Deshotels	Lanier
Drew	Martin
Duval	Mauberret
Fayard	Nunez
Fontenot	Ourso
Heine	Perez
Juneau	Planchard
Kean	Reeves
Kilbourne	Riecke
Total—48.	Robinson

NAYS

Delegates—

Mr. Chairman	Gravel	Pugh
Alexander	Grier	Roemer
Bergeron	Guarisco	Roy
Berry	Hayes	Segura
Bollinger	Haynes	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Champagne	Jackson, J.	Stephenson
Chehardy	Jenkins	Stinson
Conroy	Kelly	Tapper
D'Gerolamo	Kilpatrick	Thompson
De Blieux	Landrum	Toca
Derbes	Landry, E. J.	Velazquez
Dunlap	Leigh	Vick
Elkins	Lennox	Warren
Flory	Lowe	Weiss
Fulco	McDaniel	Willis
Gauthier	Mire	Winchester
Ginn	O'Neill	Wisham
Goldman		

Total—61.

ABSENT

Delegates—

Aertker	LeBleu	Rayburn
Blair	LeBreton	Silverberg
Cannon	Leithman	Tate
Edwards	Miller	Vesich
Fowler	Munson	Wall
Giarrusso	Newton	Wattigny
Hardee	Perkins	Womack
Lambert	Rachal	Perkins

Total—23.

And the amendments were rejected.

Delegate Jenkins moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 14, delete Floor Amendment No. 1 proposed by Delegate Dennerly and adopted by the Convention on August 30, 1973.

AMENDMENT No. 2—

On page 2, line 16, delete the word "the"

AMENDMENT No. 3—

On page 2, line 17, immediately after the partial word "sonable" delete the words "exercise of the police power" and insert in lieu thereof the words "statutory restrictions"

On motion of Delegate Roy the amendment was withdrawn.

Delegate Leigh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leigh, Womack, Casey, Lanier, Silverberg and Heine to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 14 through 29, both inclusive in their entirety and insert in lieu thereof the following:

"Section 4. Except as otherwise provided in this constitution, private property shall not be taken or damaged except for public purposes and after just and adequate compensation is paid to the owner or into court for his benefit. The legislature shall by statute provide the procedure for such taking, which shall assure that the owner shall be compensated to the full extent of the loss. Personal effects, other than contraband, shall never be taken."

Delegate Leigh moved the adoption of the amendment.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Elkins	Planchard
Abraham	Fontenot	Robinson
Anzalone	Fowler	Sandoz
Badeaux	Gauthier	Singletary
Bergeron	Heine	Smith
Berry	Kean	Stagg
Bollinger	Kilbourne	Sutherland
Casey	Landry, A.	Thistlethwaite
Champagne	Lanier	Thompson
Conroy	LeBleu	Tobias
Dennery	Dennis	Toomy
Derbes	Low	Womack
Deshotels	McDaniel	Zervigon
Drew	Nunez	
Duval	Perez	
Total—43.		

NAYS

Delegates—	Grier	Riecke
Alario	Guarisco	Roemer
Arnette	Hayes	Roy
Asseff	Haynes	Schmitt
Avant	Hernandez	Segura
Bel	Jack	Shannon
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stagg
Burson	Juneau	Stinson
Carmouche	Kelly	Stovall
Chatelain	Kilpatrick	Tapper
Conino	Lambert	Toca
Corne	Landrum	Ullo
Cowen	Landry, E. J.	Velazquez
D'Gerolamo	Lennox	Vick
De Blieux	Martin	Warren
Dunlap	Mauberrret	Weiss
Fayard	Miller	Willis
Flory	Mire	Winchester
Fulco	O'Neill	Wisham
Ginn	Pugh	
Goldman	Reeves	
Gravel		
Total—67.		

ABSENT

Delegates—	Hardee	Rayburn
Mr. Chairman	LeBreton	Silverberg
Aertker	Leithman	Tate
Alexander	Munson	Vesich
Blair	Newton	Wall
Cannon	Ourso	Wattigny
Chehardy	Perkins	
Edwards	Rachal	
Giarrusso		
Total—22.		

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Womack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Womack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 21, after the word "loss" and before the word "and" insert a period "." and delete the remainder of the line, and on line 22 delete the following:

"right to a trial by jury to determine such compensation."

Delegate Womack moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Kilbourne	Shannon
Arnette	Leigh	Stephenson
Casey	Lennox	Sutherland
Dennis	McDaniel	Tobias
Drew	Miller	Womack
Elkins	Nunez	
Fowler	Perez	
Kean		
Total—19.		

NAYS

Delegates—	Gauthier	Reeves
Abraham	Ginn	Robinson
Alario	Goldman	Roemer
Anzalone	Gravel	Roy
Asseff	Grier	Sandoz
Avant	Guarisco	Schmitt
Badeaux	Hayes	Segura
Bel	Haynes	Singletary
Bergeron	Heine	Slay
Berry	Hernandez	Smith
Bollinger	Jack	Soniat
Brien	Jackson, A.	Stagg
Brown	Jackson, J.	Stinson
Burns	Jenkins	Stovall
Burson	Juneau	Tapper
Carmouche	Kelly	Thistlethwaite
Champagne	Kilpatrick	Thompson
Chatelain	Lambert	Toca
Conino	Landrum	Toomy
Conroy	Landry, A.	Ullo
Corne	Landry, E. J.	Velazquez
Cowen	Lanier	Vesich
D'Gerolamo	LeBleu	Vick
De Blieux	Low	Warren
Dennery	Martin	Weiss
Derbes	Mauberrret	Willis
Deshotels	Mire	Winchester
Dunlap	O'Neill	Wisham
Duval	Ourso	Zervigon
Flory	Planchard	
Fontenot	Pugh	
Fulco		
Total—91.		

ABSENT

Delegates—	Giarrusso	Rayburn
Mr. Chairman	Hardee	Riecke
Aertker	LeBreton	Silverberg
Alexander	Leithman	Tate
Blair	Munson	Wall
Cannon	Newton	Wattigny
Chehardy	Perkins	
Edwards	Rachal	
Fayard		
Total—22.		

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And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 4, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Riecke
Alario	Gravel	Roemer
Annette	Grier	Roy
Avant	Guarisco	Schmitt
Bel	Hayes	Segura
Berry	Haynes	Shannon
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burson	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stephenson
Chatelain	Jenkins	Stinson
Conino	Kelly	Stovall
Conroy	Kilpatrick	Tapper
Cowen	Landry, E. J.	Toca
D'Gerolamo	Martin	Ullo
De Blieux	Mire	Vesich
Derbes	Nunez	Vick
Deshotels	O'Neill	Warren
Dunlap	Ourso	Weiss
Flory	Perez	Willis
Fulco	Planchard	Winchester
Gauthier	Pugh	Wisham
Ginn	Reeves	
Total—68.		

NAYS

Delegates—		
Abraham	Fayard	McDaniel
Anzalone	Fontenot	Mauberrert
Asseff	Fowler	Miller
Badeaux	Heine	Robinson
Bergeron	Juneau	Sandoz
Bollinger	Kean	Smith
Burns	Kilbourne	Stagg
Casey	Lambert	Sutherland
Champagne	Landrum	Thistlethwaite
Corne	Landry, A.	Thompson
Dennery	Lanier	Tobias
Dennis	LeBleu	Toomy
Drew	Leigh	Velazquez
Duval	Lennox	Womack
Elkins	Lowe	Zervigon
Total—45.		

ABSENT

Delegates—		
Aertker	Hardee	Rachal
Alexander	LeBreton	Rayburn
Blair	Leithman	Silverberg
Cannon	Munson	Tate
Chehardy	Newton	Wall
Edwards	Perkins	Wattigny
Giarrusso		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was passed, and, on his own motion the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate LeBreton, chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 30, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Legislative Liaison and Transitional Measures to submit the following report:

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, and Delegate Henry, Chairman, on behalf of the Coordinating Committee, and Delegates Aertker, Blair, Casey, Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson, Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

Reported favorably.

Respectfully submitted,

EDWARD LeBRETON,
Chairman.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

Read.

Lies over under the rules.

COMMITTEE PROPOSAL No. 28—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for the office of tax assessor and the Board of Assessors in Orleans Parish.

Read.

Lies over under the rules.

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COMMITTEE PROPOSAL No. 29—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 33—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the judicial system.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 34—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the state judicial system.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 35—

Introduced by Delegate Miller:

A PROPOSAL

Providing for supreme court districts.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 36—

Introduced by Delegate Gravel:

A PROPOSAL

To provide with respect to retirement systems and plans for public officials and employees and judges.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 37—

Introduced by Delegates Bel, Bergeron, Casey, Lennox, Mauberret, Tapper, Vesich, Vick, Alexander, Landrum, J. Jackson, Warren, Reicke:

A PROPOSAL

Relative to Orleans Parish courts and officials.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 38—

Introduced by Delegate Casey:

A PROPOSAL

To provide for the prohibition of local and special laws where general laws can be made applicable.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 39—

Introduced by Delegate Casey:

A PROPOSAL

To provide for a date for taking office of members of the legislature at the beginning of each term, or to fill the remainder of an unexpired term.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 40—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of district court judges.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 41—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of appellate judges.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Dennergy and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

Lies over under the rules.

Motion

Delegate Miller

I move for the suspension of Rule 42 to permit the introduction of Committee and Delegate Proposals after the deadline set forth in Rule 42 through Wednesday, September 5, 1973.

Which motion was agreed to.

Leave of Absence

Delegate Tate—2 days.

Delegate Newton—2 days.

Delegate Rayburn—½ day.

Delegate Blair—½ day.

Delegate Segura—½ day.

Delegate Hardee—3 days.

Adjournment

Delegate Pugh moved that the Convention do now adjourn until Friday, August 31, 1973, at 9:00 o'clock a.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, August 31, 1973 at 9:00 o'clock a.m.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FORTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, August 31, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 a.m., by Hon. Vice-Chairman, T. A. Casey, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—	Fowler	Perkins
Abraham	Ginn	Planchard
Aertker	Goldman	Rayburn
Alario	Gravel	Reeves
Alexander	Grier	Riecke
Arnette	Guarisco	Robinson
Anzalone	Hayes	Roemer
Asseff	Haynes	Roy
Avant	Heine	Sandoz
Badeaux	Hernandez	Schmitt
Bel	Jack	Segura
Bergeron	Jackson, A.	Shannon
Berry	Jackson, J.	Singletary
Blair	Jenkins	Slay
Brien	Juneau	Smith
Brown	Kean	Soniat
Burns	Kelly	Stagg
Burson	Kilbourne	Stephenson
Cannon	Kilpatrick	Stinson
Carmouche	Lambert	Stovall
Casey	Landrum	Sutherland
Champagne	Landry, A.	Tapper
Chatelain	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vick
Derbes	Martin	Warren
Drew	Mauberrret	Weiss
Dunlap	Miller	Willis
Edwards	Mire	Winchester
Elkins	Munson	Wisham
Fayard	Nunez	Womack
Flory	O'Neill	Zervigon
Fontenot	Ourso	
Fulco	Perez	
Gauthier		
Total—115.		

ABSENT

Delegates —	Giarrusso	Silverberg
Mr. Chairman	Hardee	Tate
Bollinger	LeBreton	Vesich
Chehardy	Newton	Wall
Corne	Pugh	Wattigny
Deshotels	Rachal	
Duval		
Total—17.		

The Vice-Chairman announced that there were 115 members present and a quorum.

Prayer

Prayer was offered by Delegate Alario.

Pledge of Allegiance

Delegate Conino led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Lowe, the reading of the Journal was dispensed with.

On motion of Delegate Lowe, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and read:

Delegate Robert Aertker, chairman, on behalf of the Committee on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

August 31, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Education and Welfare to submit the following report:

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported unfavorably.

DELEGATE PROPOSAL No. 9—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported unfavorably.

DELEGATE PROPOSAL No.10—

Introduced by Delegate Juneau:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported unfavorably.

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported with amendments.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

40th Days Proceedings—August 31, 1973

DELEGATE PROPOSAL No. 44—

Introduced by Delegate Vick:

A PROPOSAL

Making provision for the powers, duties, and qualifications for the state attorney general.

Read.

Lies over under the rules.

Chairman Henry in the Chair

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 27—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing with respect to the donation, loan, or pledge of public funds, credit or property.

Read.

Under the rules the above Proposal was referred to the Committee on Local and Parochial Government.

COMMITTEE PROPOSAL No. 28—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for the office of tax assessor and the Board of Assessors in Orleans Parish.

Read.

Under the rules the above Proposal was referred to the Committee on Local and Parochial Government.

COMMITTEE PROPOSAL No. 29—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Providing for a Revenue Sharing Fund.

Read.

Under the rules the above Proposal was referred to the Committee on Local and Parochial Government.

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and districts.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 33—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the judicial system.

Read.

Under the rules the above Proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 34—

Introduced by Delegate Dennis:

A PROPOSAL

Providing for the financing of the state judicial system.

Read.

Under the rules the above Proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 35—

Introduced by Delegate Miller:

A PROPOSAL

Providing for supreme court districts.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 36—

Introduced by Delegate Gravel:

A PROPOSAL

To provide with respect to retirement systems and plans for public officials and employees and judges.

Read.

The chair ruled that the Proposal should be referred to the Committee on Education and Welfare under the rules.

Delegate Dennis objected and moved that the proposal should otherwise be referred to the Committee on Judiciary.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Riecke
Alario	Grier	Robinson
Arnette	Hayes	Roemer
Asseff	Heine	Roy
Badeaux	Jack	Sandoz
Bel	Juneau	Shannon
Bergeron	Kean	Smith
Burns	Kelly	Soniat
Burson	Kilbourne	Stagg
Casey	Landry, A.	Stephenson
Champagne	Landry, E. J.	Stinson
Chatelain	Lanier	Sutherland
Conino	Leigh	Thompson
Conroy	Leithman	Tobias
Corne	Lennox	Toca
Cowen	Lowe	Toomy
D'Gerolamo	McDaniel	Ullo
Dennery	Martin	Velazquez
Dennis	Mauberret	Vick
Derbes	Miller	Warren
Drew	Nunez	Weiss
Elkins	Perez	Willis
Fontenot	Perkins	Winchester
Gauthier	Planchard	
Total—71.		

NAYS

Delegates—		
Aertker	Fowler	Landrum
Alexander	Fulco	O'Neill
Avant	Gravel	Schmitt
Blair	Guarisco	Segura
Brien	Haynes	Singletary
Brown	Hernandez	Slay
Carmouche	Jackson, A.	Wisham
De Blieux	Jackson, J.	Womack
Dunlap	Jenkins	Zervigon
Flory		
Total—28.		

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ABSENT

Delegates—

Mr. Chairman	Ginn	Rachal
Anzalone	Hardee	Rayburn
Berry	Kilpatrick	Reeves
Bollinger	Lambert	Silverberg
Cannon	LeBleu	Stovall
Chehardy	LeBreton	Tapper
Deshotels	Mire	Tate
Duval	Munson	Thistlethwaite
Edwards	Newton	Vesich
Fayard	Ourso	Wall
Giarrusso	Pugh	Wattigny
Total—33.		

And the proposal was referred to the Committee on Judiciary.

Delegate Dennis moved to reconsider the vote by which the proposal was referred to the Committee on Judiciary, and on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 37—

Introduced by Delegates Bel, Bergeron, Casey, Lennox, Mauberret, Tapper, Vesich, Vick, Alexander, Landrum, J. Jackson, Warren, Riecke:

A PROPOSAL

Relative to Orleans Parish courts and officials.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 38—

Introduced by Delegate Casey:

A PROPOSAL

To provide for the prohibition of local and special laws where general laws can be made applicable.

Read.

Under the rules the above Proposal was referred to the Committee on Legislative Powers and Functions.

DELEGATE PROPOSAL No. 39—

Introduced by Delegate Casey:

A PROPOSAL

To provide for a date for taking office of members of the legislature at the beginning of each term, or to fill the remainder of an unexpired term.

Read.

Under the rules the above Proposal was referred to the Committee on Legislative Powers and Functions.

DELEGATE PROPOSAL No. 40—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of district court judges.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 41—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to the terms of appellate judges.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 42—

Introduced by Delegates Denny and Stovall:

A PROPOSAL

Providing for the lieutenant governor as ombudsman.

Read.

Under the rules the above Proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren, Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original jurisdiction with the exception for offenses of murder, aggravated kidnapping, armed robbery, or aggravated rape.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

Reports of Committees Lying Over

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

COMMITTEE RESOLUTION No. 11—

Introduced by Delegates LeBreton, Chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, and Delegate Henry, chairman, on behalf of the Coordinating Committee, and Delegates Aertker, Blair, Casey, Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson, Perez, Rayburn, Smith, Stagg Thompson, Vick, Womack, and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

Read.

Reported favorably by the Committee on Legislative Liaison and Transitional matters.

On motion of Delegate Leithman, and under a suspension of the rules, the Resolution was ordered engrossed and passed to its third reading.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 25 when it adjourned on Thursday, August 30, 1973, which was taken up and acted upon as follows:

Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise the illegality of that search or seizure in the appropriate court of law.

Read.

Delegate Deshotels sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Deshotels to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, after the word and punctuation "search." delete the remainder of the line and delete lines 6 through 8 both inclusive in their entirety.

Delegate Burson moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—

Aertker	Fowler	McDaniel
Alario	Heine	Martin
Burson	Juneau	Mauberrret
Casey	Kean	Nunez
Champagne	Kilbourne	Ourso
Conino	Lambert	Perez
Conroy	Landry, A.	Perkins
Corne	Lanier	Singletary
D'Gerolamo	LeBleu	Thistlethwaite
Dennery	Leigh	Toca
Dennis	Lennox	Toomy
Elkins	Lowe	Ullo

Fontenot
Total—37.

NAYS

Delegates—

Mr. Chairman	Gauthier	Reeves
Abraham	Ginn	Riecke
Alexander	Goldman	Robinson
Arnette	Gravel	Roemer
Asseff	Grier	Roy
Avant	Guarisco	Sandoz
Badeaux	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Hernandez	Shannon
Berry	Jack	Tapper
Blair	Jackson, A.	Thompson
Brien	Jackson, J.	Tobias
Brown	Jenkins	Velazquez
Burns	Kelly	Vick
Carmouche	Kilpatrick	Warren
Chatelain	Landrum	Weiss
Cowen	Landry, E. J.	Willis
De Blieux	Leithman	Winchester
Derbes	Miller	Wisham
Dunlap	Mire	Womack
Flory	O'Neill	Zervigon
Fulco	Planchar	

Total—72.

ABSENT

Delegates—

Anzalone	Hardee	Soniat
Bollinger	LeBreton	Stagg
Cannon	Munson	Stephenson
Chehardy	Newton	Stinson
Deshotels	Pugh	Stovall
Drew	Rachal	Sutherland
Duval	Rayburn	Tate
Edwards	Silverberg	Vesich
Fayard	Slay	Wall
Giarrusso	Smith	Wattigny

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 5, was read.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Fowler	Riecke
Abraham	Fulco	Robinson
Aertker	Gauthier	Roemer
Alario	Ginn	Roy
Alexander	Goldman	Sandoz
Arnette	Gravel	Schmitt
Asseff	Grier	Segura
Avant	Guarisco	Shannon
Badeaux	Hayes	Singletary
Bel	Haynes	Slay
Berry	Hernandez	Smith
Bergeron	Jack	Soniat
Blair	Jackson, A.	Stagg
Brien	Jackson, J.	Stephenson
Brown	Jenkins	Stinson
Burns	Juneau	Stovall
Carmouche	Kean	Sutherland
Champagne	Kelly	Tapper
Chatelain	Kilpatrick	Thompson
Conino	Lambert	Tobias
Conroy	Landrum	Toca
Corne	Landry, A.	Toomy
Cowen	Landry, E. J.	Ullo
D'Gerolamo	Lanier	Velazquez
De Blieux	LeBleu	Vick
Dennery	Leigh	Warren
Dennis	Leithman	Weiss
Derbes	Lowe	Willis
Dunlap	Mauberrret	Winchester
Elkins	Mire	Wisham
Flory	O'Neill	Womack
Fontenot	Reeves	Zervigon

Total—96.

NAYS

Delegates—

Burson	Lennox	Perez
Casey	McDaniel	Perkins
Drew	Martin	Thistlethwaite
Heine	Nunez	
Kilbourne	Ourso	

Total—13.

ABSENT

Delegates—

Anzalone	Giarrusso	Rachal
Bollinger	Hardee	Rayburn
Cannon	LeBreton	Silverberg
Chehardy	Miller	Tate
Deshotels	Munson	Vesich
Duval	Newton	Wall
Edwards	Planchar	Wattigny
Fayard	Pugh	

Total—23.

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

Read.

Delegate Dunlap moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Abraham	Ginn	Reeves
Aertker	Goldman	Riecke
Alario	Gravel	Robinson
Alexander	Grier	Roemer
Arnette	Guarisco	Roy
Asseff	Hayes	Sandoz
Avant	Haynes	Schmitt
Badeaux	Heine	Segura
Bel	Hernandez	Shannon
Bergeron	Jack	Singletary
Berry	Jackson, A.	Slay
Blair	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Carmouche	Kilpatrick	Stovall
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
De Blieux	Lennox	Ullo
D'Gerolamo	Lowe	Velazquez
Dennery	McDaniel	Vick
Dennis	Martin	Warren
Derbes	Mauberret	Weiss
Drew	Miller	Willis
Dunlap	Mire	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fowler	Perez	Zervigon
Fulco	Perkins	

Total—107.

NAYS

Delegates—
Ourso
Total—1.

ABSENT

Delegates—		
Anzalone	Fayard	Pugh
Bollinger	Giarrusso	Rachal
Cannon	Hardee	Rayburn
Chehardy	Kilbourne	Silverberg
Deshotels	Landry, A.	Tate
Duval	LeBreton	Vesich
Edwards	Munson	Wall
Elkins	Newton	Wattigny

Total—24.

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 7. Freedom from Discrimination

Section 7. All persons shall be free from discrimination on the basis of race, color, creed, national ancestry, and sex in access to public accommodations or in the sale or rental of property by persons or agents who derive a substantial income from such business activity. Nothing herein shall be construed to impair freedom of association.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 14, after the word "ancestry," delete the word "and" and insert in lieu thereof the word "or"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 14 after the word "color", delete the word "creed" and insert in lieu thereof the word "religion"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burns sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burns to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 15, immediately after the word "accommodations" insert a period "." and delete the remainder of the line and delete line 16 in its entirety

AMENDMENT No. 2—

On page 3, line 17, immediately before the word "Nothing" delete the following:

"come from such business activity."

Delegate Burns moved the adoption of the amendments.

Delegate J. Jackson objected.

By a vote of 68 yeas and 37 nays the amendments were adopted.

Delegate Burns moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Haynes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Haynes, Stovall, E. J. Landry, Berry, and J. Jackson to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 15, after the word "public" delete the word "accommodations" and insert in lieu thereof the following:

"accommodations, or in the hiring and promotion practices of any employer with fifteen or more employees."

On motion of Delegate Haynes the amendment was withdrawn.

Delegate Haynes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Haynes, Stovall, E. J. Landry, Berry, J. Jackson and Conroy to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 15, after the word "public" delete the word "accommodations" and insert in lieu thereof the following: "accommodations, and from arbitrary, unreasonable, or capricious discrimination on any such basis in the hiring and promotion practices of any employer with fifteen or more employees."

Delegate Haynes moved the adoption of the amentment.

Delegate Segura objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Mr. Chairman	Derbes	Mire
Aertker	Dunlap	Nunez
Alexander	Flory	Perkins
Anzalone	Fulco	Reeves
Arnette	Gauthier	Riecke
Asseff	Ginn	Roemer
Avant	Goldman	Roy
Badeaux	Gravel	Sandoz
Bergeron	Grier	Schmitt
Berry	Guarisco	Singletary
Blair	Hayes	Smith
Brien	Haynes	Soniat
Brown	Heine	Stovall
Burns	Jackson, A.	Sutherland
Burson	Jackson, J.	Thompson
Carmouche	Juneau	Tobias
Casey	Kean	Ullo
Champagne	Kilpatrick	Velazquez
Chatelain	Landrum	Warren
Conino	Landry, A.	Weiss
Conroy	Landry, E. J.	Willis
Corne	Lanier	Winchester
D'Gerolamo	Leithman	Wisham
De Blieux	Lowe	Zervigon
Dennis	Miller	
Total—74.		

NAYS		
Delegates—		
Abraham	Kilbourne	Planchard
Alario	LeBleu	Segura
Drew	Leigh	Slay
Elkins	Lennox	Stagg
Fowler	McDaniel	Stinson
Hernandez	Mauberret	Tapper
Jack	O'Neill	Thistlethwaite
Jenkins	Perez	Toomy
Total—24.		

ABSENT		
Delegates—		
Bel	Hardee	Robinson
Bollinger	Kelly	Shannon
Cannon	Lambert	Silverberg
Chehardy	LeBreton	Stephenson
Cowen	Martin	Tate
Dennery	Munson	Toca
Deshotels	Newton	Vesich
Duval	Ourso	Vick
Edwards	Pugh	Wall
Fayard	Rachal	Wattigny
Fontenot	Rayburn	Womack
Giarrusso		
Total—34.		

And the amendment was adopted.

Delegate Haynes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez and J. Jackson to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 14, immediately after the word and punctuation "ancestry," and before the word "and" insert the word "age"

On motion of Delegate Velazquez the amendment was withdrawn.

Delegate Bergeron sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Bergeron, Gauthier, Roemer, Velazquez, Warren, Landrum and Alexander to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 14, immediately after the word "ancestry" and the comma "," and before the word "and" insert the words "physical handicap"

Delegate Bergeron moved the adoption of the amendment.

Delegate Willis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS		
Delegates—		
Alario	Fowler	Nunez
Alexander	Gauthier	Ourso
Anzalone	Ginn	Perez
Asseff	Goldman	Reeves
Avant	Gravel	Riecke
Badeaux	Grier	Robinson
Bergeron	Heine	Roemer
Blair	Hernandez	Segura
Brown	Jack	Soniat
Burns	Jackson, J.	Stephenson
Cannon	Juneau	Tapper
Carmouche	Kean	Thompson
Conino	Kelly	Tobias
Corne	Kilbourne	Toca
Cowen	Kilpatrick	Ullo
D'Gerolamo	Landrum	Velazquez
Dennery	Landry, A.	Vick
Dennis	Leigh	Warren
Derbes	Leithman	Winchester
Elkins	Lennox	Wisham
Fayard	McDaniel	Zervigon
Flory	Miller	
Total—65.		

NAYS		
Delegates—		
Abraham	Jackson, A.	Schmitt
Aertker	Landry, E. J.	Singletary
Berry	Jenkins	Slay
Burson	Lanier	Smith
Casey	LeBleu	Stagg
Champagne	Lowe	Stinson
Chatelain	Martin	Stovall
Conroy	Mauberret	Sutherland
De Blieux	Mire	Thistlethwaite
Drew	O'Neill	Toomy
Dunlap	Perkins	Weiss
Fulco	Planchard	Willis
Guarisco	Roy	
Hayes	Sandoz	
Total—40.		

ABSENT

Delegates—
Mr. Chairman
Arnetie
Bel
Bollinger
Brien
Chehardy
Deshotels
Duval
Edwards
Total—27.

Fontenot
Giarrusso
Hardee
Haynes
Lambert
LeBreton
Munson
Newton
Pugh

Rachal
Rayburn
Shannon
Silverberg
Tate
Vesich
Wall
Wattigny
Womack

And the amendment was adopted.

Delegate Bergeron moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hayes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hayes to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 17, after the word and punctuation "employees," added by Convention Floor Amendment No. 1 proposed by Mr. Haynes et al. and adopted by the Convention on August 31, 1973, insert the following:

"No penalty, other than that provided by laws, shall apply to any conviction for an offense."

Delegate Hayes moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker
Alexander
Anzalone
Asseff
Brien
Cannon
Chatelain
Edwards
Elkins
Fayard
Fowler
Ginn
Total—38.

Grier
Hayes
Heine
Jenkins
Kean
Kelly
Kilbourne
Landry, A.
Lennox
McDaniel
Miller
Nunez
O'Neill

Ourso
Perez
Riecke
Robinson
Schmitt
Stinson
Sutherland
Tapper
Ullo
Velazquez
Warren
Winchester

NAYS

Delegates—
Alario
Arnette
Avant
Badeaux
Bergeron
Berry
Blair
Brown
Burson
Carmouche
Casey
Champagne
Conino
Conroy
Corne
Cowen

D'Gerolamo
De Blieux
Dennis
Derbes
Drew
Dunlap
Flory
Fulco
Gauthier
Goldman
Gravel
Hernandez
Jack
Guarisco
Jackson, A.
Jackson, J.

Juneau
Kilpatrick
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lowe
Martin
Mauberret
Mire
Perkins
Planchard
Reeves
Roemer
Roy

Sandoz
Segura
Shannon
Singletary
Slay
Smith
Total—66.

Soniati
Stephenson
Stovall
Thistlethwaite
Thompson
Tobias

Toca
Toomy
Vick
Weiss
Willis
Zervigon

ABSENT

Delegates—
Mr. Chairman
Bel
Bollinger
Burns
Chehardy
Dennery
Deshotels
Duval
Fontenot
Giarrusso
Total—28.

Hardee
Haynes
Lambert
Landrum
LeBreton
Munson
Newton
Pugh
Rachal
Rayburn

Silverberg
Stagg
Tate
Vesich
Wall
Wattigny
Wisham
Womack

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Stovall moved that the Convention take up other Orders of Business at this time.

Delegate Schmitt objected.

By a vote of 52 yeas and 47 nays the Convention took up other orders of Business.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 45—

Introduced by Delegate Gauthier:

A PROPOSAL

To provide a retirement system for judges.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 46—

Introduced by Delegate Tobias:

A PROPOSAL

Providing for the continuance of Orleans Parish courts and officials.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 47—

Introduced by Delegates Drew and Singletary:

A PROPOSAL

Providing with respect to the expropriation of private property for public purposes.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 48—

Introduced by Delegates Singletary and Drew:

A PROPOSAL

Making provisions for equal protection of the laws, prohibiting discrimination, slavery and involuntary servitude.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

A PROPOSAL

Providing with respect to consumer education and information councils.

Read.

Lies over under the rules.

PAGE 8

40th Days Proceedings—August 31, 1973

DELEGATE PROPOSAL No. 50—

Introduced by Delegate Thistlethwaite:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Wednesday, September 5, 1973, after adjournment in Committee Room 1, State Capitol, and will consider the following agenda:

AGENDA

To consider resolutions referred to the committee.

Respectfully submitted,

JAMES STOVALL,
Chairman of the Committee on
Rules, Credentials and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, September 5, 1973, immediately after adjournment in Committee Room 5 and will consider the following agenda:

AGENDA

Hearings on Civil Service.
Discussion of Committee and Delegate Proposals on Civil Service in the following order:

1. State Civil Service
2. City Civil Service

Respectfully submitted,

ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Wednesday, August 5, 1973, 10:00 o'clock A.M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To continue consideration of the committee's proposals.

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate A. Jackson the rules were suspended in order to allow a meeting of the Committee on Bill of Rights and Election without giving the required 24 hours notice.

Leave of Absence

Delegate Duval—1 day.
Delegate Deshotels—1 day.
Delegate Newton—1 day.
Delegate Bollinger—1 day.
Delegate Pugh—1 day.
Delegate Chehardy—1 day.
Delegate Bel—½ day.
Delegate Rayburn—1 day.
Delegate Fontenot—½ day.

Adjournment

Delegate Shannon moved that the Convention do now adjourn until Wednesday, September 5, 1973 at 9:00 o'clock A.M.

As a substitute Delegate Chatelain moved that the Convention do now adjourn until Wednesday, September 12, 1973, at 9:30 o'clock A.M.

The vote recurred on the substitute motion.

By a vote of 16 yeas and 84 nays the Convention refused to adjourn until Wednesday, September 12, 1973, at 9:30 o'clock A. M.

As a further substitute Delegate Fulco moved that the Convention do now adjourn until Wednesday, September 5, 1973, at 1:00 o'clock P.M.

The vote recurred on the substitute of Delegate Fulco.

By a vote of 53 yeas and 50 nays the Convention adjourned until Wednesday, September 5, 1973 at 1:00 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Wednesday, September 5, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FORTY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, September 5, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Pugh
Anzalone	Gravel	Rachal
Arnette	Grier	Rayburn
Asseff	Guarisco	Reeves
Avant	Hayes	Riecke
Badeaux	Haynes	Robinson
Bel	Heine	Roemer
Bergeron	Hernandez	Roy
Berry	Jack	Sandoz
Blair	Jackson, A.	Schmitt
Bollinger	Jackson, J.	Singletary
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Landrum	Sutherland
Chehardy	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	LeBreton	Tobias
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Deshotels	McDaniel	Vick
Drew	Martin	Warren
Dunlap	Maubertret	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Munson	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Zervigon
Total—117.		

ABSENT

Delegates—		
Cannon	Hardee	Silverberg
Carmouche	Lambert	Slay
Derbes	Newton	Uilo
Fowler	Segura	Wall
Giarrusso	Shannon	Womack
Total—15.		

The Chairman announced that there were 117 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Ourso led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Rayburn, the reading of the Journal
was dispensed with.

On motion of Delegate Rayburn, the Journal of yesterday
was adopted.

Morning Hour

**Introduction of Resolutions
Delegate and Committee
Resolution**

The following delegates and Chairmen on behalf of their
committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 46—

Introduced by Delegate Asseff.

A RESOLUTION

To provide for the submission of an alternate provision rela-
tive to the appointment, merger, or consolidation of cer-
tain officials in the executive branch of government.

Read.

Lies over under the rules.

DELEGATE RESOLUTION No. 47—

Introduced by Delegate Asseff:

A RESOLUTION

To provide for the submission of an alternate provision rela-
tive to the appointment, merger, or consolidation of cer-
tain officials in the executive branch of government.

Read.

Lies over under the rules.

Introduction of Proposals

The following named delegates and committees introduced
the following entitled Delegate and Committee Proposals
which were read by their titles and placed on the Calendar
for their second reading.

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare and Delegates Car-
mouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez,
Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura,
Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards
of education.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 51—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for appointment of officials; merger, and con-
solidation.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 52—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for appointment of officials; merger, and con-
solidation.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 53—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 55—

Introduced by Delegate Fontenot:

A PROPOSAL

Making provisions for exemptions from taxation.

Read.

Lies over under the rules.

Proposals on Second Reading and Referral

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

DELEGATE PROPOSAL No. 44—

Introduced by Delegate Vick:

A PROPOSAL

Making provision for the powers, duties, and qualifications for the state attorney general.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 45—

Introduced by Delegate Gauthier:

A PROPOSAL

To provide a retirement system for judges.

Read.

Under the rules the Chairman ruled that the Proposal should be referred to the Committee on Education and Welfare.

Delegate Tate objected and moved that the Proposal be otherwise referred to the Committee on Judiciary.

Delegate Abraham objected.

By a vote of 80 yeas and 12 nays the Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 46—

Introduced by Delegate Tobias:

A PROPOSAL

Providing for the continuance of Orleans Parish courts and officials.

Read.

Under the rules the above Proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 47—

Introduced by Delegates Drew and Singletary:

A PROPOSAL

Providing with respect to the expropriation of private property for public purposes.

Read.

Under the rules the above Proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 48—

Introduced by Delegates Singletary and Drew:

A PROPOSAL

Making provisions for equal protection of the laws, prohibiting discrimination, slavery and involuntary servitude.

Read.

Under the rules the above Proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 49—

Introduced by Delegate Brien:

A PROPOSAL

Providing with respect to consumer education and information councils.

Read.

Under the rules the above Proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 50—

Introduced by Delegate Thistlethwaite:

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Under the rules the above Proposal was referred to the Committee on Bill of Rights and Elections.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Reported with the following amendments by the Committee on Education and Welfare:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Education and Welfare to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend Corrected Printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlethwaite, Toca, and Wisham"

AMENDMENT No. 2—

On page 1, line 16, after the word "provide" and before the word "at" insert a comma ","

AMENDMENT No. 3—

On page 1, delete lines 28 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be appointed by the State Board of Elementary and Secondary Education for a term not to exceed four years.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents

and such additional qualifications as may be fixed by law.

(C) Functions. The powers, duties, responsibilities, and salary of the state superintendent of public education shall be prescribed by law."

AMENDMENT No. 4—

On page 2, delete lines 1 through 23, both inclusive, in their entirety

AMENDMENT No. 5—

On page 2, delete lines 24 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law. The board shall have such other specific powers, duties, and responsibilities as provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; Terms. The board shall consist of three members who shall be appointed by the governor, with the consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or the legislature, as the case may be, in a manner as to effectuate this purpose.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature."

AMENDMENT No. 6—

On page 3, delete lines 1 through 8, both inclusive, and in their entirety

AMENDMENT No. 7—

On page 3, line 15, after the word "board" and before the word "schools" delete the words "may approve private" and insert in lieu thereof the following:

"shall approve private elementary, secondary, and proprietary"

AMENDMENT No. 8—

On page 8, at the end of line 31, delete the word "Schools" and insert in lieu thereof the word "Education"

AMENDMENT No. 9—

On page 9, at the end of line 1, delete the word "support" and insert in lieu thereof the word "education"

AMENDMENT No. 10—

On page 9, at the beginning of line 2, immediately after the words "of the" delete the remainder of the line and insert in lieu thereof the following:

"school children of this state at the elementary and secondary levels"

AMENDMENT No. 11—

On page 9, line 16, after the word "Secondary" delete the word and period "Education." and insert in lieu thereof the following:

"Education to the children of this state at the elementary and secondary levels."

AMENDMENT No. 12—

On page 9, line 24, after the word "State" and before the word "Fund" delete the words "Public School" and insert in lieu thereof the following:

"Elementary and Secondary Education"

AMENDMENT No. 13—

On page 9, at the end of line 28, immediately after the word "State" delete the words "Public School" and insert in lieu thereof the following:

"Elementary and Secondary Education"

AMENDMENT No. 14—

On page 9, line 31, after the words "provides for the" delete the remainder of the line and insert in lieu thereof the following:

"education of the school children of Louisiana."

AMENDMENT No. 15—

On page 10, delete line 17 in its entirety and insert in lieu thereof the following:

"(3) Other Funds. Any funds for the education of the school children of Louisiana from"

On motion of Delegate Aertker the amendments were adopted.

On motion of Delegate Aertker the proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 8—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Reported unfavorably by the Committee on Education and Welfare.

On motion of Delegate Leithman the proposal was withdrawn.

DELEGATE PROPOSAL No. 9—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Reported unfavorably by the Committee on Education and Welfare.

On motion of Delegate Leithman the proposal was withdrawn.

DELEGATE PROPOSAL No. 10—

Introduced by Delegate Juneau:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Reported unfavorably by the Committee on Education and Welfare.

On motion of Delegate Juneau the proposal was withdrawn.

Motion

On motion of Delegate Dennery, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 56—

Introduced by Delegate Toomy:

A PROPOSAL

Providing with respect to local officials and employees.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 57—

Introduced by Delegate Flory:

A PROPOSAL

To provide for the registration of corporate stockholders.

Read.

Lies over under the rules.

PAGE 4

41st Days Proceedings—September 5, 1973

DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 59—

Introduced by Delegate Haynes:

A PROPOSAL

Making provisions for freedom from discrimination.

Read.

Lies over under the rules.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

Read.

Section 7. Freedom from Discrimination

Section 7. All persons shall be free from discrimination on the basis of race, color, creed, national ancestry, and sex in access to public accommodations or in the sale or rental of property by persons or agents who derive a substantial income from such business activity. Nothing herein shall be construed to impair freedom of association.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 25, Section 7, when it adjourned on Friday, August 31, 1973, which was taken up and acted upon as follows:

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson, on behalf of the Committee on Bill of Rights and Elections to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 12 through 18, both inclusive, in their entirety including Convention Floor Amendments thereto.

Delegate A. Jackson moved the adoption of the amendment.

Delegate Alexander objected.

By a vote of 101 yeas, and 9 nays the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 8. Trial by Jury in Civil Cases

Section 8. In all civil cases, except, summary, domestic, and adoption cases, the right to trial by jury shall not be abridged. No fact determined by a judge or jury shall be re-examined on appeal. Determination of facts by an administrative body shall be subject to review.

Read.

Delegate Duval sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Duval to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 20, after "Section 8." delete the remainder of the line and delete line 21 in its entirety and at the beginning of line 22, delete the word and punctuation "abridged."

AMENDMENT No. 2—

On page 3, line 22, after the word and punctuation "abridged." delete the remainder of the line and at the beginning of line 23, delete the words "examined on appeal."

AMENDMENT No. 3—

On page 3, line 23, after the word and punctuation "appeal." delete the remainder of the line and delete line 24 in its entirety.

On motion of Delegate Tobias a division of the question was ordered.

Delegate Duval moved the adoption of amendment No. 1.

Delegate Guarisco objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Deshotels	Mauberret
Abraham	Drew	Miller
Aertker	Duval	Munson
Alario	Edwards	Nunez
Anzalone	Elkins	Ourso
Arnette	Fontenot	Perez
Asseff	Gauthier	Perkins
Avant	Heine	Plancharde
Badeaux	Hernandez	Rayburn
Bergeron	Jack	Robinson
Berry	Juneau	Sandoz
Blair	Kean	Stinson
Bollinger	Kelly	Stovall
Brien	Kilbourne	Sutherland
Burns	Landry, A.	Tate
Burson	Landry, E. J.	Thistlethwaite
Casey	Lanier	Thompson
Champagne	LeBleu	Tobias
Chatelain	Leigh	Toca
Chehardy	Leithman	Toomy
Conroy	Lennox	Wattigny
Corne	Lowe	Willis
Cowen	McDaniel	Winchester
D'Gerolamo	Martin	Zervigon
Dennis		
Total—73.		

NAYS

Delegates—		
Alexander	Goldman	Newton
Bel	Gravel	O'Neill
Brown	Grier	Pugh
Conino	Guarisco	Rachal
De Blieux	Hayes	Reeves
Dennery	Haynes	Riecke
Dunlap	Jackson, A.	Roemer
Flory	Jackson, J.	Roy
Fulco	Jenkins	Schmitt
Ginn	Landrum	Singletary

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Smith
Soniati
Stagg
Stephenson
Total—41.

Tapper
Velazquez
Vesich
Vick

Warren
Weiss
Wisham

ABSENT

Delegates—
Cannon
Carmouche
Derbes
Fayard
Fowler
Giarrusso
Total—18.

Hardee
Kilpatrick
Lambert
LeBreton
Mire
Segura

Shannon
Silverberg
Slay
Ullo
Wall
Womack

And the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval moved the adoption of amendment No. 2.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bergeron
Berry
Blair
Bollinger
Brien
Burns
Burson
Casey
Champagne
Chatelain
Chehardy
Conino
Conroy
Corne
Cowen
D'Gerolamo
Dennery
Dennis
Total—76.

Deshotels
Drew
Duval
Edwards
Elkins
Fontenot
Gauthier
Heine
Hernandez
Jack
Juneau
Kean
Kelly
Kilbourne
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Martin

Mauberrret
Miller
Munson
Nunez
Ourso
Perez
Perkins
Planchard
Rayburn
Robinson
Sandoz
Stinson
Stovall
Sutherland
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Wattigny
Weiss
Willis
Winchester
Zervigon

NAYS

Delegates—
Alexander
Bel
Brown
De Blieux
Dunlap
Flory
Fulco
Ginn
Goldman
Gravel
Grier
Guarisco
Hayes
Total—37.

Haynes
Jackson, A.
Jackson, J.
Jenkins
Newton
O'Neill
Pugh
Rachal
Reeves
Riecke
Roemer
Roy

Schmitt
Singletary
Smith
Soniati
Stagg
Stephenson
Tapper
Velazquez
Vesich
Vick
Warren
Wisham

ABSENT

Delegates—
Mr. Chairman
Cannon

Carmouche
Derbes

Fayard
Fowler

Giarrusso
Hardee
Kilpatrick
Lambert
LeBreton
Total—19.

Mire
Segura
Shannon
Silverberg
Slay

Ullo
Wall
Womack

And the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval moved the adoption of Amendment No. 3.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bergeron
Berry
Blair
Bollinger
Burns
Burson
Casey
Champagne
Chatelain
Chehardy
Conroy
Corne
Cowen
D'Gerolamo
Dennery
Dennis
Total—70.

Deshotels
Drew
Duval
Edwards
Elkins
Fontenot
Gauthier
Heine
Hernandez
Jack
Juneau
Kean
Kelly
Kilbourne
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel

Martin
Mauberrret
Miller
Munson
Nunez
Ourso
Perez
Perkins
Planchard
Rayburn
Robinson
Sandoz
Stinson
Stovall
Sutherland
Tate
Thistlethwaite
Tobias
Toca
Toomy
Willis
Winchester
Zervigon

NAYS

Delegates—
Alexander
Bel
Brien
Brown
Conino
De Blieux
Dunlap
Flory
Fulco
Ginn
Goldman
Gravel
Grier
Guarisco
Hayes
Total—43.

Haynes
Jackson, A.
Jackson J.
Jenkins
Landrum
Newton
O'Neill
Pugh
Rachal
Reeves
Riecke
Roemer
Roy
Schmitt

Singletary
Smith
Soniati
Stagg
Stephenson
Tapper
Thompson
Velazquez
Vesich
Vick
Warren
Wattigny
Weiss
Wisham

ABSENT

Delegates—
Mr. Chairman
Cannon
Carmouche
Derbes
Fayard
Fowler
Giarrusso
Total—19.

Hardee
Kilpatrick
Lambert
LeBreton
Mire
Segura

Shannon
Silverberg
Slay
Ullo
Wall
Womack

And the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Tobias moved the previous question on the entire subject matter.

Delegate Burson objected.

By a vote of 63 yeas and 48 nays the previous question on the entire subject matter was ordered.

Passage

Committee Proposal No. 25, Section 8, was read, as amended.

Delegate Guarisco moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Gravel	Singletary
Brien	Grier	Soniat
Brown	Newton	Stephenson
Chehardy	Rachal	Velazquez
Flory	Roemer	Warren
Goldman	Schmitt	
Total—17.		

NAYS

Delegates—		
Mr. Chairman	Fontenot	O'Neill
Abraham	Fulco	Ourso
Aertker	Gauthier	Perez
Alario	Ginn	Perkins
Anzalone	Guarisco	Planchard
Arnette	Hayes	Pugh
Asseff	Haynes	Rayburn
Avant	Heine	Reeves
Badeaux	Hernandez	Riecke
Bel	Jack	Robinson
Bergeron	Jackson, A.	Roy
Berry	Jackson, J.	Sandoz
Blair	Jenkins	Smith
Bollinger	Juneau	Stagg
Burns	Kean	Stinson
Burson	Kelly	Stovall
Casey	Kilbourne	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	LeBreton	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Vesich
Dennery	Lennox	Vick
Dennis	Lowe	Wattigny
Deshotels	McDaniel	Weiss
Drew	Martin	Willis
Dunlap	Mauberret	Winchester
Duval	Miller	Wisham
Edwards	Munson	Zervigon
Elkins	Nunez	
Total—98.		

ABSENT

Delegates—		
Cannon	Hardee	Silverberg
Carmouche	Kilpatrick	Slay
Derbes	Lambert	Uilo
Fayard	Mire	Wall
Fowler	Segura	Womack
Giarrusso	Shannon	
Total—17.		

And the Chair declared that the above Section, failed to pass.

Delegate Duval moved to reconsider the vote by which the Section failed to pass, and, on his own motion, the motion to reconsider was laid on the table.

Section 9. Freedom of Expression

Section 9. No law shall abridge the freedom of every person to speak, write, publish, photograph, illustrate, or broadcast on any subject or to gather, receive, or transmit knowledge or information, but each person shall be responsible for the abuse of that liberty; nor shall such activities ever be subject to censorship, licensure, registration, control, or special taxation.

Read.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. No law shall abridge the freedom of speech or press."

Motion

On motion of Delegate Bel, the Convention altered the Order of Business to take up Introduction of Proposals at this time.

Introduction of Proposals

The following named delegates and committees introduced the following entitled Delegate and Committee Proposals which were read by their titles and placed on the Calendar for their second reading.

DELEGATE PROPOSAL No. 60—

Introduced by Delegate Jenkins:

A PROPOSAL

Making provision to control future growth of state tax revenues.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 61—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to judicial districts.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 62—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for the grand jury.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 63—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for legislative limitation on executive power.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 64—

Introduced by Delegate Toca:

A PROPOSAL

Making provision for a board of commissioners of the Louisiana State Library.

Read.

Lies over under the rules.

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DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:

A PROPOSAL

Making provisions regarding civil service employment.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 66—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit the appropriation of public funds for private or sectarian schools.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 75—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to trial by jury in criminal cases.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 76—

Introduced by Delegate Burson:

A PROPOSAL

For initiation of the prosecution of felonies.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 77—

Introduced by Delegate Robinson:

A PROPOSAL

To provide for the financing of the office of sheriff.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 78—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 79—

Introduced by Delegate Deshotels:

A PROPOSAL

Providing for a right to privacy.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 80—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 81—

Introduced by Delegate Abraham:

A PROPOSAL

Making provision for open primary elections.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 82—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 83—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 84—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and

necessary provisions with respect thereto in the Executive Branch of state government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 85—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 86—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 87—

Introduced by Delegate Segura:

A PROPOSAL

Providing for state and city civil service.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 88—

Introduced by Delegate Lennox:

A PROPOSAL

To provide for the continuous operation of government.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:

A PROPOSAL

Prohibiting strikes by public employees.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:

A PROPOSAL

To prohibit monopolistic control over employment in any industry within the state.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:

A PROPOSAL

Making provisions for property taxation.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 92—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 93—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to grand jury proceedings.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 94—

Introduced by Delegate Pugh:

A PROPOSAL

Prohibiting the purchase or subscription by the state or its political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 95—

Introduced by Delegate Bel:

A PROPOSAL

Making provisions for property taxation.

Read.

Lies over under the rules.

DELEGATE PROPOSAL No. 96—

Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat, Stovall, Sutherland, Velazquez, and Weiss:

A PROPOSAL

Providing for the powers and duties of the attorney general.

Read.

Lies over under the rules.

Motion

On motion of Delegate A. Jackson the rules were suspended in order to allow him to call a meeting of the Committee on Bills of Rights and Elections without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Alphonse Jackson, Jr., chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Wednesday, September 4, 1973, immediately after adjournment in Independence Hall and will consider the following agenda:

AGENDA

Consideration of Committee Proposal No. 25.

Respectfully submitted,

ALPHONSE JACKSON, JR.
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Segura—1 day.
Delegate Shannon—1 day.
Delegate Lambert—1 day.
Delegate Fowler—4 days.
Delegate Silverberg—Three weeks from August 29, 1973.
Delegate Ullo—1 day.
Delegate Carmouche—1 day.
Delegate Derbes—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, September 6, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, September 6, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

FORTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, September 6, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Heine	Sandoz
Berry	Hernandez	Schmitt
Blair	Jack	Segura
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBreton	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Mauberet	Warren
Drew	Miller	Wattigny
Dunlap	Mire	Weiss
Edwards	Munson	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Zervigon
Total—123.		

ABSENT

Delegates—		
Duval	LeBleu	Silverberg
Fowler	Pugh	Wall
Giarrusso	Shannon	Womack
Total—9.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Alexander.

Pledge of Allegiance

Delegate Burns led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Gravel, the reading of the Journal was dispensed with.

On motion of Delegate Gravel, the Journal of yesterday was adopted.

Morning Hour

**Resolutions on Second
Reading and Referral**

The following entitled Committee and Delegate Resolutions on second reading to be referred to Committees were taken up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 46—

Introduced by Delegate Asseff:

A RESOLUTION

To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

DELEGATE RESOLUTION No. 47—

Introduced by Delegate Asseff:

A RESOLUTION

To provide for the submission of an alternate provision relative to the appointment, merger, or consolidation of certain officials in the executive branch of government.

Read.

Under the rules the above Resolution was referred to the Committee on Rules, Credentials and Ethics.

**Proposals on Second
Reading and Referral**

The following entitled Committee and Delegate Proposals on second reading to be referred to committees were taken up, read, and referred to committees, as follows:

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Read.

Under the rules the above Proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 51—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for appointment of officials; merger, and consolidation.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 52—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for appointment of officials; merger, and consolidation.

Read.

Under the rules the above proposal was referred to the Committee on Executive Department.

DELEGATE PROPOSAL No. 53—

Introduced by Delegate Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau and Leithman:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 55—

Introduced by Delegate Fontenot:

A PROPOSAL

Making provisions for exemptions from taxation.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 56—

Introduced by Delegate Toomy:

A PROPOSAL

Providing with respect to local officials and employees.

Read.

Under the rules the above proposal was referred to the Committee on Local and Parochial Government.

DELEGATE PROPOSAL No. 57—

Introduced by Delegate Flory:

A PROPOSAL

To provide for the registration of corporate stockholders.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 58—

Introduced by Delegate Flory:

A PROPOSAL

Providing for municipal fire and police civil service.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 59—

Introduced by Delegate Haynes:

A PROPOSAL

Making provisions for freedom from discrimination.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 60—

Introduced by Delegate Jenkins:

A PROPOSAL

Making provision to control future growth of state tax revenues.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 61—

Introduced by Delegates Bel and Vesich:

A PROPOSAL

To provide with respect to judicial districts.

Read.

Under the rules the above proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 62—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for the grand jury.

Read.

Under the rules the above proposal was referred to the Committee on Judiciary.

DELEGATE PROPOSAL No. 63—

Introduced by Delegate Burson:

A PROPOSAL

Making provisions for legislative limitation on executive power of commutation.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 64—

Introduced by Delegate Toca:

A PROPOSAL

Making provision for a board of commissioners of the Louisiana State Library.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:

A PROPOSAL

Making provisions regarding civil service employment.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 66—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit the appropriation of public funds for private or sectarian schools.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Read.

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Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 75—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to trial by jury in criminal cases.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 76—

Introduced by Delegate Burson:

A PROPOSAL

For initiation of the prosecution of felonies.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 77—

Introduced by Delegate Robinson:

A PROPOSAL

To provide for the financing of the office of sheriff.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 78—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit religious discrimination and to prohibit the direct or indirect appropriation of money from the public treasury for sectarian, private, charitable or benevolent purposes, except for designated state charities.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 79—

Introduced by Delegate Deshotels:

A PROPOSAL

Providing for a right to privacy.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 80—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Read.

On motion of Delegate Abraham the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 81—

Introduced by Delegate Abraham:

A PROPOSAL

Making provision for open primary elections.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 82—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Read.

On motion of Delegate Abraham the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 83—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

On motion of Delegate Abraham the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 84—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

Read.

On motion of Delegate Abraham the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 85—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

On motion of Delegate Abraham the Proposal was withdrawn.

DELEGATE PROPOSAL No. 86—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

On motion of Delegate Abraham the Proposal was withdrawn.

DELEGATE PROPOSAL No. 87—

Introduced by Delegate Segura:

A PROPOSAL

Providing for state and city civil service.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 88—

Introduced by Delegate Lennox:

A PROPOSAL

To provide for the continuous operation of government.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 89—

Introduced by Delegate Lennox:

A PROPOSAL

Prohibiting strikes by public employees.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 90—

Introduced by Delegate Lennox:

A PROPOSAL

To prohibit monopolistic control over employment in any industry within the state.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 91—

Introduced by Delegate Zervigon:

A PROPOSAL

Making provisions for property taxation.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 92—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 93—

Introduced by Delegate Burson:

A PROPOSAL

Providing with respect to grand jury proceedings.

Read.

Under the rules the above proposal was referred to the Committee on Bill of Rights and Elections.

DELEGATE PROPOSAL No. 94—

Introduced by Delegate Pugh:

A PROPOSAL

Prohibiting the purchase or subscription by the state or its

political subdivisions of stock of any corporation or association or for any private enterprise and providing exceptions.

Read.

Under the rules the above proposal was referred to the Committee on Education and Welfare.

DELEGATE PROPOSAL No. 95—

Introduced by Delegate Bel:

A PROPOSAL

Making provisions for property taxation.

Read.

Under the rules the above proposal was referred to the Committee on Revenue, Finance and Taxation.

DELEGATE PROPOSAL No. 96—

Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat, Stovall, Sutherland, Velazquez, and Weiss:

A PROPOSAL

Providing for the powers and duties of the attorney general.

Read.

Under the rules the above proposal was referred to the Committee on the Executive Department.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Section 9. Freedom of Expression

Section 9. No law shall abridge the freedom of every person to speak, write, publish, photograph, illustrate, or broadcast on any subject or to gather, receive, or transmit knowledge or information, but each person shall be responsible for the abuse of that liberty; nor shall such activities ever be subject to censorship, licensure, registration, control, or special taxation.

Read.

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 26 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. No law shall abridge the freedom of speech or press."

Read.

The chairman announced that the Convention had under consideration the above amendment proposed by Delegate Burson, to Committee Proposal No. 25, Section 9, when it

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adjourned on Wednesday, September 5, 1973 which was taken up and acted upon as follows:

Delegate Burson moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Deshotels	Martin
Alario	Drew	Miller
Anzalone	Edwards	Munson
Annette	Elkins	Nunez
Asseff	Fayard	Ourso
Avant	Fontenot	Perez
Badeaux	Fulco	Planchar
Bergeron	Gauthier	Rayburn
Berry	Heine	Sandoz
Blair	Hernandez	Singleary
Brien	Jack	Smith
Burns	Kean	Stinson
Burson	Kilbourne	Stovall
Carmouche	Landry, A.	Sutherland
Casey	Lanier	Tate
Champagne	LeBreton	Thistlethwaite
Conino	Leigh	Toomy
Conroy	Lennox	Ullo
Corne	Lowe	Wattigny
D'Gerolamo	McDaniel	Willis
Dennis		
Total—61.		

NAYS

Delegates—

Mr. Chairman	Hardee	Roemer
Aertker	Hayes	Roy
Alexander	Jackson, A.	Schmitt
Bel	Jenkins	Segura
Bollinger	Juneau	Slay
Brown	Kelly	Soniat
Chatelain	Kilpatrick	Stagg
Cowen	Landrum	Stephenson
De Blieux	Landry, E. J.	Tapper
Dennery	Leithman	Thompson
Derbes	Mauberret	Tobias
Dunlap	Newton	Toca
Flory	O'Neill	Velazquez
Ginn	Perkins	Vick
Goldman	Rachal	Warren
Gravel	Reeves	Weiss
Grier	Riecke	Zervigon
Guarisco	Robinson	
Total—53.		

ABSENT

Delegates—

Cannon	Jackson, J.	Silverberg
Chehardy	Lambert	Vesich
Duval	LeBleu	Wall
Fowler	Mire	Winchester
Giarrusso	Pugh	Wisham
Haynes	Shannon	Womack
Total—18.		

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 26, through 32 both inclusive, in their entirety, and strike out Floor Amendment No. 1 proposed by Delegate Burson and adopted by the Convention on September 6, 1973, and insert in lieu thereof the following:

"Section 9. No law shall abridge the freedom of speech or press, but each person shall be responsible for the abuse of those freedoms."

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 25 through 32, both inclusive, in their entirety, and delete Convention Floor Amendment No. 1 proposed by Mr. Gravel and adopted by the Convention on September 6, 1973, and insert in lieu thereof the following:

"Section 9. Liberty of Speech and Freedom of the Press

Section 9. No law shall ever be passed to curtail or restrain the liberty of speech or freedom of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty or freedom."

Delegate Drew moved the adoption of the amendment.

Delegate A. Jackson objected.

By a vote of 69 yeas and 39 nays the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate D'Gerolamo sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates D'Gerolamo, Toca, Ullo, Toomy, Gauthier, Alario, Bergeron, Conino, Bollinger, Nunez, Ginn, Gravel, Tapper, Burson and Flory to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 26, after the language added by Convention Floor Amendment No. 1 proposed by Delegate Drew and adopted by the Convention on September 6, 1973, insert the following:

"Any person whose character is assailed by reason of the exercise of any freedom herein granted shall be afforded an equal opportunity to reply, and the legislature shall enact laws to implement this provision and provide penalties for violations."

Motion

Delegate A. Jackson moved the previous question on the amendment.

Delegate Nunez objected.

By a vote of 86 yeas and 13 nays the previous question was ordered on the amendment.

Delegate D'Gerolamo moved the adoption of the amendment.

Delegate Dennery objected.

By a vote of 30 yeas and 77 nays the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 26, at the end of the language added by Convention Floor Amendment No. 1 proposed by Delegate Drew and adopted by the Convention on September 6, 1973; "Such activities shall never be subject to prior restraint, licensure, registration, or special taxation."

Delegate Jenkins moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Aertker	Goldman	Reeves
Alario	Gravel	Riecke
Alexander	Grier	Robinson
Avant	Hayes	Roemer
Bel	Haynes	Roy
Berry	Jackson, A.	Soniat
Brien	Jackson, J.	Stephenson
Chehardy	Jenkins	Stinson
Conino	Kelly	Toca
Cowen	Lambert	Velazquez
D'Gerolamo	Landry, E. J.	Vick
Dennery	Newton	Warren
Flory	O'Neill	Weiss
Ginn	Rachal	
Total—41.		

NAYS

Delegates—

Mr. Chairman	Fontenot	Perez
Abraham	Fulco	Perkins
Anzalone	Gauthier	Planchard
Arnette	Hardee	Rayburn
Asseff	Heine	Schmitt
Badeaux	Hernandez	Segura
Bergeron	Jack	Singletery
Blair	Juneau	Slay
Brown	Kean	Smith
Burns	Kilbourne	Stagg
Burson	Kilpatrick	Stovall
Carmouche	Landrum	Sutherland
Casey	Landry, A.	Tapper
Champagne	Lanier	Tate
Conroy	LeBreton	Thistlethwaite
Corne	Leigh	Thompson
De Blieux	Leithman	Tobias
Dennis	Lennox	Toomy
Derbes	Lowe	Ullo
Deshotels	McDaniel	Wattigny
Drew	Miller	Willis
Dunlap	Munson	Zervigon
Elkins	Nunez	
Total—68.		

ABSENT

Delegates—

Bollinger	Edwards	Guarisco
Cannon	Fayard	LeBleu
Chatelain	Fowler	Martin
Duval	Giarrusso	Mauberret

Mire
Ourso
Pugh
Sandoz
Total—23.

Shannon
Silverberg
Vesich
Wall

Winchester
Wisham
Womack

And the amendment was rejected.

Delegate Willis moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 9, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Ginn	Planchard
Alario	Goldman	Rachal
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Arnette	Hardee	Riecke
Asseff	Hayes	Robinson
Avant	Haynes	Roemer
Badeaux	Heine	Roy
Bel	Hernandez	Schmitt
Bergeron	Jack	Segura
Berry	Jackson, A.	Singletery
Blair	Jackson, J.	Slay
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chehardy	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thistlethwaite
Cowen	LeBreton	Thompson
D'Gerolamo	Leigh	Tobias
De Blieux	Leithman	Toca
Dennery	Lennox	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Miller	Vick
Drew	Mire	Warren
Dunlap	Munson	Wattigny
Elkins	Newton	Weiss
Flory	Nunez	Willis
Fontenot	O'Neill	Zervigon
Total—108.		

NAYS

Delegates—

Burson
Total—2.

Kelly

ABSENT

Delegates—

Bollinger	Guarisco	Silverberg
Cannon	LeBleu	Vesich
Chatelain	Martin	Wall
Duval	Mauberret	Winchester
Edwards	Ourso	Wisham
Fayard	Pugh	Womack
Fowler	Sandoz	
Giarrusso	Shannon	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 10. Freedom of Religion

Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Read.

Passage

Delegate Weiss moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	O'Neill
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Hardee	Riecke
Avant	Hayes	Robinson
Badeaux	Haynes	Roemer
Bel	Heine	Roy
Bergeron	Hernandez	Schmitt
Berry	Jack	Singletary
Blair	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Brown	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
D'Gerolamo	Lanier	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lennox	Velazquez
Derbes	Lowe	Vick
Deshotels	McDaniel	Warren
Dunlap	Mire	Wattigny
Edwards	Munson	Weiss
Elkins	Newton	Willis
Flory	Nunez	Zervigon
Total—105.		

NAYS

Total—0.

ABSENT

Delegates—		
Bollinger	Guarisco	Segura
Cannon	LeBleu	Shannon
Chatelain	LeBreton	Silverberg
Cowen	Martin	Tate
Drew	Mauberret	Vesich
Duval	Miller	Wall
Fayard	Ourso	Winchester
Fowler	Pugh	Wisham
Giarrusso	Sandoz	Womack
Total—27.		

And the Chair declared that the above Section was passed.

Delegate Weiss moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 11. Freedom of Assembly and Movement

Section 11. No law shall impair the right of every person to assemble peaceably, to petition government for a redress of grievances, to travel freely within the state, and to enter and leave the state. Nothing herein shall prohibit quarantines or restrict the authority of the state to supervise persons subject to parole or probation.

Read.

Delegate Arnette sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Arnette to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 6, immediately after the word "peaceably" and before the word "to" delete the comma "," and insert in lieu thereof the word "or"

AMENDMENT No. 2—

On page 4, line 7, immediately after the word "grievances" change the comma "," to a period "." and delete the remainder of the line and delete lines 8 through 10, both inclusive, in their entirety

Motion

Delegate Abraham suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—			
Mr. Chairman	Fontenot	Ourso	
Abraham	Fulco	Perez	
Alario	Gauthier	Perkins	
Alexander	Ginn	Planchard	
Anzalone	Goldman	Rayburn	
Arnette	Gravel	Reeves	
Asseff	Grier	Robinson	
Avant	Hardee	Roemer	
Badeaux	Hayes	Roy	
Bel	Haynes	Sandoz	
Bergeron	Hernandez	Schmitt	
Blair	Jack	Segura	
Bollinger	Jackson, A.	Singletary	
Brien	Jackson, J.	Slay	
Brown	Jenkins	Smith	
Burns	Kean	Soniat	
Burson	Kelly	Stagg	
Carmouche	Kilbourne	Stephenson	
Casey	Kilpatrick	Stovall	
Champagne	Landrum	Sutherland	
Chehardy	Landry, A.	Tate	
Conino	Landry, E. J.	Thistlethwaite	
Conroy	Lanier	Thompson	
Corne	Leigh	Tobias	
Cowen	Leithman	Toca	
D'Gerolamo	Lennox	Toomy	
De Blieux	Lowe	Ullo	
Dennery	McDaniel	Velazquez	
Dennis	Martin	Vesich	
Derbes	Mauberret	Vick	
Deshotels	Miller	Warren	
Drew	Mire	Wattigny	
Dunlap	Munson	Weiss	
Edwards	Newton	Willis	
Elkins	Nunez	Winchester	
Flory	O'Neill	Zervigon	
Total—108.			

NAYS

Total—0.

ABSENT

Aertker		Guarisco	Riecke
Berry		Heine	Shannon
Cannon		Juneau	Silverberg
Chatelain		Lambert	Stinson
Duval		LeBleu	Tapper
Fayard		LeBreton	Wall
Fowler		Pugh	Wisham
Giarrusso		Rachal	Womack
Total—24.			

And the Chairman announced that there were 107 members present and a quorum.

Delegate Arnette moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Edwards	Ourso
Alario	Elkins	Perez
Anzalone	Fontenot	Perkins
Arnette	Fulco	Planchard
Asseff	Gauthier	Rayburn
Avant	Hardee	Robinson
Badeaux	Heine	Sandoz
Bel	Hernandez	Schmitt
Bergeron	Jack	Singletary
Bollinger	Juneau	Slay
Brien	Kean	Smith
Burns	Kelly	Stagg
Burson	Kilbourne	Sutherland
Carmouche	Landry, A.	Tapper
Casey	Lanier	Thistlethwaite
Champagne	Leigh	Thompson
Chehardy	Lennox	Toca
Conino	Lowe	Toomy
Corne	McDaniel	Ullo
Cowen	Martin	Vesich
D'Gerolamo	Miller	Wattigny
De Blieux	Mire	Weiss
Derbes	Munson	Willis
Deshotels	Nunez	Winchester
Drew		
Total—73.		

NAYS

Delegates—		
Alexander	Hayes	Roemer
Berry	Haynes	Roy
Blair	Jackson, A.	Segura
Brown	Jackson, J.	Soniati
Conroy	Jenkins	Stephenson
Dennery	Kilpatrick	Stinson
Dennis	Landrum	Stovall
Dunlap	Landry, E. J.	Tate
Flory	Mauberret	Tobias
Ginn	Newton	Velazquez
Goldman	O'Neill	Vick
Gravel	Rachal	Warren
Grier	Reeves	Zervigon
Total—39.		

ABSENT

Delegates—		
Mr. Chairman	Giarrusso	Riecke
Aertker	Guarisco	Shannon
Cannon	Lambert	Silverberg
Chatelain	LeBleu	Wall
Duval	LeBreton	Wisham
Fayard	Leithman	Womack
Fowler	Pugh	
Total—20.		

And the Amendments were adopted.

Delegate Arnette moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 11, was read as amended.

Delegate Jenkins moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Abraham	Alario

Alexander	Ginn	Planchard
Anzalone	Goldman	Rachal
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Heine	Sandoz
Berry	Hernandez	Schmitt
Blair	Jack	Segura
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniati
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chehardy	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thistlethwaite
Cowen	Leigh	Thompson
De Blieux	Lennox	Tobias
D'Gerolamo	Lowe	Toca
Dennery	McDaniel	Toomy
Dennis	Martin	Ullo
Derbes	Mauberret	Velazquez
Deshotels	Miller	Vesich
Drew	Mire	Vick
Dunlap	Munson	Warren
Edwards	Newton	Wattigny
Elkins	Nunez	Weiss
Flory	O'Neill	Willis
Fontenot	Ourso	Winchester
Fulco	Perez	Zervigon
Gauthier	Perkins	
Total—113.		

NAYS

Total—0.

ABSENT

Delegates—		
Aertker	Guarisco	Riecke
Cannon	Lambert	Shannon
Chatelain	LeBleu	Silverberg
Duval	LeBreton	Wall
Fayard	Leithman	Wisham
Fowler	Pugh	Womack
Giarrusso		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Jenkins moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 12. Rights of the Accused

Section 12. When a person has been detained, he shall immediately be advised of his legal rights and the reason for his detention. In all criminal prosecutions, the accused shall be precisely informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 19 and 20, insert the following: "No person shall be subjected to imprisonment or forfeiture of his rights or property without the right of judicial review based upon a complete record of all evidence upon which

PAGE 9

42nd Day's Proceedings—September 6, 1973

such judgment is based. This right may be intelligently waived."

Delegate Avant moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Goldman	Robinson
Alexander	Gravel	Roemer
Asseff	Grier	Roy
Avant	Hayes	Schmitt
Bel	Haynes	Segura
Bergeron	Jack	Singletary
Berry	Jackson, A.	Slay
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stephenson
Burson	Kelly	Stovall
Chehardy	Kilbourne	Tapper
Conino	Kilpatrick	Tate
Corne	Landry, E. J.	Thompson
D'Gerolamo	Leigh	Toca
De Blieux	Martin	Ullo
Dennis	Miller	Velazquez
Deshotels	Mire	Vesich
Dunlap	Newton	Vick
Edwards	O'Neill	Warren
Flory	Ourso	Wattigny
Gauthier	Rachal	Willis
Ginn	Reeves	Wisham

Total—66.

NAYS

Delegates—

Abraham	Fontenot	Perkins
Anzalone	Fulco	Planchard
Arnette	Hardee	Rayburn
Badeaux	Heine	Riecke
Blair	Hernandez	Sandoz
Bollinger	Juneau	Smith
Brien	Lambert	Stagg
Carmouche	Lanier	Stinson
Casey	Leithman	Sutherland
Champagne	Lennox	Thistlethwaite
Conroy	Lowe	Tobias
Cowen	McDaniel	Toomy
Dennery	Mauberrret	Weiss
Derbes	Munson	Winchester
Drew	Nunez	Zervigon
Elkins	Perez	

Total—47.

ABSENT

Delegates—

Mr. Chairman	Giarrusso	Pugh
Aertker	Guarisco	Shannon
Cannon	Kean	Silverberg
Chatelain	Landrum	Wall
Duval	Landry, A.	Womack
Fayard	LeBleu	
Fowler	LeBreton	

Total—19.

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 15, after the words "shall be" delete the word "precisely" and insert in lieu thereof the word "reasonably"

Delegate Burson moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 57 yeas and 52 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 15, after the words "shall be" and before the words "of the nature" delete the words "precisely informed" and insert in lieu thereof the following:
"informed, with particularity,"

AMENDMENT No. 2—

Strike out Amendment No. 1 proposed by Mr. Burson and adopted by the Convention on September 6, 1973.

Delegate Gravel moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—

Mr. Chairman	Grier	Roemer
Avant	Hardee	Roy
Berry	Hayes	Schmitt
Blair	Haynes	Segura
Brien	Hernandez	Singletary
Brown	Jackson, A.	Slay
Carmouche	Jackson, J.	Soniat
Chatelain	Jenkins	Stephenson
Conino	Kelly	Stinson
De Blieux	Kilpatrick	Thompson
Dennis	Lambert	Velazquez
Derbes	Landrum	Vick
Dunlap	Landry, E. J.	Warren
Flory	Mire	Weiss
Fulco	Newton	Winchester
Ginn	O'Neill	Wisham
Goldman	Planchard	Zervigon
Gravel	Reeves	

Total—53.

NAYS

Delegates—

Abraham	Corne	Lanier
Alario	D'Gerolamo	Leigh
Anzalone	Dennery	Leithman
Arnette	Deshotels	Lennox
Asseff	Drew	Lowe
Badeaux	Edwards	McDaniel
Bel	Elkins	Martin
Bergeron	Fayard	Mauberrret
Bollinger	Fontenot	Miller
Burns	Gauthier	Nunez
Burson	Heine	Ourso
Cannon	Jack	Perez
Casey	Juneau	Perkins
Champagne	Kean	Rayburn
Chehardy	Kilbourne	Riecke
Conroy	Landry, A.	Robinson

Sandoz
Smith
Stagg
Stovall
Sutherland
Total—62.

Tate
Thistlethwaite
Tobias
Toca
Toomy

Uilo
Vesich
Wattigny
Willis

ABSENT

Delegates—
Aertker
Alexander
Cowen
Duval
Fowler
Giarrusso
Total—17.

Guarisco
LeBleu
LeBreton
Munson
Pugh
Rachal

Shannon
Silverberg
Tapper
Wall
Womack

And the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other orders of business at this time.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, September 12, 1973, at 5:30 o'clock P.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

Hearings—Civil Service.
Consideration of Committee and Delegate Proposals on Civil Service.

Respectfully submitted,

ROBERT AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Friday, September 7, 1973, after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

The Committee's Proposals

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Casey the rules were suspended in order to call a meeting of the Executive Committee without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Henry, chairman of the Executive Committee, sent up the following notice:

The Executive Committee will meet on Friday, September 7, 1973, at 12:00 o'clock noon in Independence Hall and will consider the following agenda:

AGENDA

Matters relating to the operation of the Convention.

Respectfully submitted,

E. L. HENRY,
Chairman of the Executive Committee

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Chehardy—½ day.
Delegate Pugh—2 days.
Delegate Duval—1 day.
Delegate J. Jackson—½ day.
Delegate Guarisco—½ day.
Delegate Haynes—½ day.
Delegate Aertker—½ day.
Delegate Giarrusso—September 6 through September 22.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Friday, September 6, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, September 6, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FORTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, September 7, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Ginn	Pugh
Alexander	Goldman	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Heine	Sandoz
Berry	Hernandez	Schmitt
Blair	Jack	Segura
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ulo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Maubertret	Warren
Drew	Miller	Wattigny
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Zervigon
Flory	Ourso	
Total—125.		

ABSENT

Delegates—		
Fowler	Shannon	Wall
Giarrusso	Silverberg	Womack
LeBreton		
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Chehardy led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Sandoz, the reading of the Journal
was dispensed with.

On motion of Delegate Sandoz, the Journal of yesterday
was adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications
were received and read:

State of Louisiana
HOUSE OF REPRESENTATIVES
State of Louisiana

September 5, 1973

The Honorable E. L. Henry, Chairman
Constitutional Convention of 1973
State of Louisiana
State Capitol
Baton Rouge, Louisiana 70804

Re: Constitutional Convention

Dear "Bubba":

My conception of the Constitutional Convention was that
we would meet one to two days a week, or at the most,
five or six days a month. It did not occur to me that we
would have to meet four days a week or better, from July
1973 through December of this year. My daily schedule, in-
cluding my business, my legislative work, my personal
life and my civic life is such that I can only give the Con-
stitutional Convention about 50% of the time that it requires.

The substantive committee on which I serve is the Legisla-
tive Powers and Functions. This committee report was the
first adopted in early July.

The procedural committee which I chair is Legislative
Liaison and Transitional Measures, which completed Com-
mittee Resolution No. 11, which lies on the Clerk's desk for
final action by the Convention at the first given opportunity.

The above should complete my committee work.

After due deliberation, I have come to the conclusion that
I have no alternative but to resign from the C.C. '73 effec-
tive at the end of the day's work on September 6, 1973. I
regret that it is necessary for me to take this action.

May I take this opportunity to wish 100% success for the
efforts of the Constitutional Convention of 1973. If, in the
future, I can be of any assistance, it would be my pleasure
to cooperate with the convention for a successful conclusion.

Sincerely,

EDWARD F. LeBRETON, JR.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee

on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Section 12. Rights of the Accused

Section 12. When a person has been detained, he shall immediately be advised of his legal rights and the reason for his detention. In all criminal prosecutions, the accused shall be precisely informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 25, Section 12, when it adjourned on Thursday, September 6, 1973, which was taken up and acted upon as follows:

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kelly and Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 15 delete Amendment No. 1 proposed by Delegate Burson and adopted by the Convention on September 6, 1973 and on page 4, line 15, after the word "shall be" strike out the word "precisely"

On motion of Delegate Kelly the amendment was adopted.

Delegate Kelly moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Derbes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 12 after "Section 12." delete the remainder of the line and delete line 13 and on line 14 at the beginning of the line delete the words and punctuation "for his detention."

AMENDMENT No. 2—

On page 4, line 12, after "Section 12." insert the following: "When a person has been detained for the commission of any offense, he shall be advised of the nature of that offense, his right to silence and against self-incrimination, his right to the assistance of counsel and to court-appointed counsel, if indigent."

On motion of Delegate Casey a division of the question was ordered.

Delegate Derbes moved the adoption of the amendment No. 1.

Delegate Roy objected.

By a vote of 50 yeas and 58 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Derbes, and under a suspension of the rules, amendment No. 2 was withdrawn.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 19 and 20 in Floor Amendment No. 1 proposed by Delegate Avant and adopted by the Convention on September 6, 1973 at the end of line 3, place a comma "," after the word "record" and add the following: "without cost to him."

Delegate Jack moved the adoption of the amendment.

Delegate A. Landry objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Goldman	Robinson
Avant	Gravel	Roemer
Bergeron	Hayes	Schmitt
Berry	Hernandez	Singletary
Brien	Jack	Stephenson
Brown	Jackson, J.	Stovall
Flory	Jenkins	Tapper
Fontenot	Landry, E. J.	Velazquez
Gauthier	Miller	Warren
Ginn	Newton	

Total—29.

NAYS

Delegates—		
Abraham	Edwards	Planchard
Aertker	Elkins	Pugh
Alario	Fulco	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Riecke
Badeaux	Hardee	Roy
Bel	Haynes	Sandoz
Blair	Heine	Slay
Bollinger	Jackson, A.	Smith
Burns	Juneau	Soniat
Burson	Kilbourne	Stagg
Carmouche	Kilpatrick	Stinson
Casey	Landrum	Sutherland
Champagne	Landry, A.	Tate
Chatelain	Lanier	Thistlethwaite
Chehardy	Leigh	Thompson
Conino	Leithman	Tobias
Conroy	Lennox	Toca
Corne	Lowe	Toomy
D'Gerolamo	McDaniel	Ullio
De Blieux	Martin	Vick
Dennery	Mire	Wattigny
Dennis	Munson	Weiss
Derbes	O'Neill	Willis
Drew	Perez	Winchester
Dunlap	Perkins	Zervigon
Duval		

Total—79.

ABSENT

Delegates—		
Mr. Chairman	Kean	Rachal
Anzalone	Kelly	Segura
Cannon	Lambert	Shannon
Cowen	LeBleu	Silverberg
Deshotels	LeBreton	Vesich
Fayard	Mauberret	Wall
Fowler	Nunez	Wisham
Giarrusso	Ourso	Womack

Total—24.

And the amendment was rejected.

Delegate Abraham moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read.

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

September 7, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Emile M. Comar, Jr., 3014 Prytania Street, New Orleans, 70115, as Delegate to the Constitutional Convention of 1973 (District 92), vice Representative Edward F. LeBreton, Jr., resigned.

Yours very truly,
EDWIN EDWARDS
Governor of Louisiana

OATH OF OFFICE

Emile M. Comar, Jr. appeared before the bar of the Convention and took the following oaths of office administered by Honorable David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

"I (Emile M. Comar, Jr.) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Unfinished Business, Resumed

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Section 12. Rights of the Accused

Section 12. When a person has been detained, he shall

immediately be advised of his legal rights and the reason for his detention. In all criminal prosecutions, the accused shall be precisely informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment.

Read.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, between lines 19 and 20, in Floor Amendment No. 1 proposed by Delegate Avant and adopted by the Convention on September 6, 1973, on line 4 at the end of the line add the following:

"The cost of the transcription of such record shall be paid as provided by law."

Delegate Dennis moved the adoption of the amendment.

Delegate Jack objected.

By a vote of 92 yeas and 20 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Velazquez and J. Jackson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, at the end of line 19, add the following:

"The legislature shall provide for a uniform system for securing counsel for indigents, including qualifications and compensation."

Delegate Velazquez moved the adoption of the amendment.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Conino	Hayes
Aertker	Conroy	Heine
Alario	Corne	Jack
Alexander	D'Gerolamo	Jackson, A.
Arnette	Dennerly	Jackson, J.
Asseff	Derbes	Juneau
Avant	Deshotels	Kilbourne
Badeaux	Dunlap	Kilpatrick
Bel	Duval	Lambert
Bergeron	Edwards	Landrum
Berry	Elkins	Landry, A.
Blair	Fayard	Landry, E. J.
Bollinger	Flory	Lanier
Brien	Fontenot	Leigh
Brown	Fulco	Leithman
Burns	Gauthier	Lennox
Burson	Ginn	Martin
Casey	Gravel	Miller
Champagne	Grier	Mire
Chatelain	Guarisco	Munson
Comar	Hardee	Newton

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Nunez	Roy	Tobias
O'Neill	Schmitt	Toca
Ourso	Singletary	Toomy
Perez	Slay	Ullo
Perkins	Soniat	Velazquez
Planchard	Stagg	Vick
Pugh	Stephenson	Warren
Rayburn	Stovall	Wattigny
Reeves	Sutherland	Weiss
Riecke	Tapper	Willis
Robinson	Thistlethwaite	Winchester
Roemer	Thompson	Zervigon
Total—99.		

NAYS

Delegates—		
Carmouche	Hernandez	McDaniel
De Blieux	Jenkins	Sandoz
Drew	Kelly	Stinson
Goldman	Low	
Total—11.		

ABSENT

Delegates—		
Mr. Chairman	Haynes	Silverberg
Anzalone	Kean	Smith
Cannon	LeBleu	Tate
Chehardy	Mauberrert	Vesich
Cowen	Rachal	Wall
Dennis	Segura	Wisham
Fowler	Shannon	Womack
Giarrusso		
Total—22.		

And the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Derbes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

AMENDMENT No. 1—

On page 4, line 12 after "Section 12." delete the remainder of the line and delete line 13 and on line 14 at the beginning of the line delete the words and punctuation "for his detention."

AMENDMENT No. 2—

On page 4, line 12, after "Section 12." insert the following:
"When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, to court appointed counsel, if indigent."

On motion of Delegate Derbes the amendment was withdrawn.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Derbes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 12 after "Section 12." delete the remainder of the line and delete line 13 and on line 14 at the beginning of the line delete the words and punctuation "for his detention."

AMENDMENT No. 2—

On page 4, line 12, after "Section 12." insert the following:
"When any person has been arrested or detained in con-

nection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, to court appointed counsel, if indigent."

Delegate Derbes moved the adoption of the amendments.

Delegate Stinson objected.

By a vote of 100 yeas and 9 nays the amendments were adopted.

Delegate Derbes moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 16, after the word and punctuation "him." delete the remainder of the line and delete lines 17 through 19, both inclusive, in their entirety

Delegate Drew moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 35 yeas and 71 nays the amendment was rejected.

Delegate Jack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 12, was read as amended.

Delegate Stinson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Planchard
Abraham	Fulco	Pugh
Aertker	Gauthier	Rayburn
Alario	Ginn	Reeves
Alexander	Goldman	Riecke
Asseff	Gravel	Robinson
Avant	Grier	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Heine	Schmitt
Blair	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jackson, A.	Smith
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stagg
Burson	Juneau	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Tapper
Chatelain	Landrum	Tate
Comar	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Toca
Corne	Leigh	Toomy
D'Gerolamo	Leithman	Ullo
De Blieux	Lennox	Velazquez
Dennery	Lowe	Warren
Dennis	Mire	Wattigny
Derbes	Munson	Weiss
Dunlap	Newton	Willis
Duval	Nunez	Winchester
Fayard	O'Neill	Zervigon
Flory	Perkins	
Total—98.		

NAYS

Delegates—

Arnette	Kilbourne	Perez
Deshotels	Landry, A.	Sutherland
Drew	McDaniel	Tobias
Edwards	Martin	
Elkins	Ourso	

Total—13.

ABSENT

Delegates—

Anzalone	Guarisco	Shannon
Berry	Haynes	Silverberg
Cannon	Kean	Vesich
Chehardy	Mauberret	Vick
Cowen	Miller	Wall
Fowler	Rachal	Wisham
Giarrusso	Segura	Womack

Total—21.

And the Chair declared that the above Section was passed.

Delegate Stinson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 13. Initiation of Prosecution

Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for a capital crime or a felony necessarily punishable by hard labor, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial or when a mistrial is declared or a motion in arrest of judgment is sustained.

Read.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 23, place a comma “,” after the word “crime” and delete the remainder of the line and at the beginning of line 24 delete the words and punctuation “punishable by hard labor.”

Delegate Burson moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Chehardy	Fulco
Aertker	Comar	Gauthier
Alario	Conino	Ginn
Alexander	Corne	Hardee
Anzalone	Cowen	Hayes
Arnette	D'Gerolamo	Heine
Badeaux	De Blieux	Hernandez
Bergeron	Dennery	Jack
Bollinger	Dennis	Juneau
Brown	Derbes	Kean
Burns	Deshotels	Kilbourne
Burson	Drew	Lambert
Casey	Edwards	Landry, A.
Champagne	Elkins	Landry, E. J.
Chatelain	Fontenot	Lanier

Leigh
Leithman
Lennox
Lowe
McDaniel
Martin
Miller
Mire
Newton
Nunez
Ourso
Perez
Perkins
Planchard
Total—85.

Reeves
Riecke
Robinson
Roemer
Sandoz
Singletary
Slay
Smith
Stagg
Stephenson
Stovall
Sutherland
Tapper
Tate

Thistlethwaite
Thompson
Toca
Toomy
Ullo
Velazquez
Vesich
Wattigny
Weiss
Willis
Winchester
Zervigon

NAYS

Delegates—

Asseff	Gravel	Rachal
Berry	Grier	Roy
Blair	Guarisco	Schmitt
Brien	Jackson, A.	Segura
Carmouche	Jackson, J.	Soniat
Conroy	Jenkins	Stinson
Dunlap	Landrum	Tobias
Duval	Munson	Vick
Flory	O'Neill	Warren
Goldman	Pugh	

Total—29.

ABSENT

Delegates—

Mr. Chairman	Giarrusso	Rayburn
Avant	Haynes	Shannon
Bel	Kelly	Silverberg
Cannon	Kilpatrick	Wall
Fayard	LeBleu	Wisham
Fowler	Mauberret	Womack

Total—18.

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel and Pugh to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 23, immediately after the word “for” delete the remainder of the line and insert in lieu thereof the following:

“any capital offense, or any felony in which punishment at hard labor for twenty years or more may be imposed upon conviction.”

Delegate Pugh moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	De Blieux	Hernandez
Aertker	Dennery	Jackson, A.
Alexander	Dennis	Jackson, J.
Asseff	Dunlap	Jenkins
Badeaux	Flory	Kean
Berry	Fulco	Landrum
Blair	Ginn	Landry, A.
Brien	Goldman	Landry, E. J.
Brown	Gravel	LeBleu
Comar	Grier	Lennox
Conroy	Guarisco	Lowe
Cowen	Hardee	Munson

Newton	Schmitt	Tate
O'Neill	Segura	Tobias
Planchard	Slay	Velazquez
Pugh	Soniat	Vick
Rachal	Stagg	Warren
Riecke	Stinson	Weiss
Robinson	Stovall	
Roy	Tapper	

Total—58.

NAYS

Delegates—	Elkins	Perez
Alario	Fontenot	Perkins
Anzalone	Gauthier	Reeves
Arnette	Hayes	Roemer
Bergeron	Heine	Sandoz
Bollinger	Jack	Singletary
Burns	Juneau	Smith
Burson	Kelly	Stephenson
Carmouche	Kilbourne	Sutherland
Casey	Lambert	Thistlethwaite
Champagne	Lanier	Thompson
Chatelain	Leigh	Toomy
Conino	Leithman	Ullo
Corne	McDaniel	Vesich
D'Gerolamo	Martin	Wattigny
Derbes	Miller	Willis
Deshotels	Mire	Zervigon
Drew	Nunez	
Duval	Ourso	
Edwards		

Total—55.

ABSENT

Delegates—	Giarrusso	Toca
Mr. Chairman	Haynes	Wall
Avant	Kilpatrick	Winchester
Bel	Mauberrret	Wisham
Cannon	Rayburn	Womack
Chehardy	Shannon	
Fayard	Silverberg	
Fowler		

Total—19.

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 25, immediately after the word and punctuation "Jury." and before the word "No" insert the following:

"No person shall be denied the right to a preliminary examination unless previously indicted by a grand jury."

Delegate Duval moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 43 yeas and 66 nays the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 23 and 24, in their entirety, including all floor amendments previously adopted thereto, and insert in lieu thereof the following:

"held to answer for any capital crime or any crime punishable by life imprisonment, except on indictment by a grand"

Delegate Burson moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Elkins	Perez
Abraham	Fontenot	Perkins
Alario	Gauthier	Planchard
Anzalone	Heine	Sandoz
Arnette	Juneau	Singletary
Badeaux	Kean	Slay
Bergeron	Lambert	Smith
Bollinger	Landry, A.	Stagg
Burns	Lanier	Stephenson
Burson	LeBleu	Sutherland
Carmouche	Leigh	Thistlethwaite
Casey	Leithman	Thompson
Champagne	Lennox	Toca
Conino	Lowe	Toomy
Cowen	McDaniel	Ullo
D'Gerolamo	Martin	Vesich
Dennery	Miller	Wattigny
Derbes	Mire	Willis
Deshotels	Nunez	Winchester
Drew	Ourso	
Edwards		

Total—59.

NAYS

Delegates—	Gravel	Rachal
Aertker	Grier	Reeves
Alexander	Guarisco	Robinson
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Berry	Hernandez	Schmitt
Blair	Jack	Segura
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stinson
Chatelain	Jenkins	Stovall
Comar	Kelly	Tate
Conroy	Kilpatrick	Tobias
Corne	Landrum	Velazquez
De Blieux	Landry, E. J.	Vick
Dennis	Munson	Warren
Dunlap	Newton	Weiss
Flory	O'Neill	Wisham
Fulco	Pugh	Zervigon
Ginn		
Goldman		

Total—55.

ABSENT

Delegates—	Fowler	Riecke
Mr. Chairman	Giarrusso	Shannon
Bel	Haynes	Silverberg
Cannon	Kilbourne	Tapper
Chehardy	Mauberrret	Wall
Duval	Rayburn	Womack
Fayard		

Total—18.

And the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 13, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Flory	O'Neill
Aertker	Fontenot	Ourso
Alario	Fulco	Perez
Alexander	Gauthier	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Rachal
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bergeron	Hardee	Robinson
Berry	Hayes	Roemer
Blair	Heine	Roy
Bollinger	Hernandez	Sandoz
Brien	Jack	Segura
Brown	Jenkins	Singletary
Burns	Juneau	Slay
Burson	Kelly	Smith
Carmouche	Kilpatrick	Stagg
Casey	Lambert	Stephenson
Champagne	Landry, A.	Stovall
Chatelain	Landry, E. J.	Sutherland
Comar	Lanier	Tate
Conino	LeBleu	Thistlethwaite
Conroy	Leigh	Thompson
Corne	Leithman	Tobias
Cowen	Lennox	Toomy
D'Gerolamo	Lowe	Ullo
Dennery	McDaniel	Vesich
Dennis	Martin	Wattigny
Derbes	Miller	Weiss
Deshotels	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Zervigon
Edwards		
Total—100.		

NAYS

Delegates—		
Asseff	Jackson, J.	Velazquez
De Blieux	Landrum	Vick
Drew	Schmitt	Warren
Guarisco	Soniat	Wisham
Jackson, A.	Stinson	
Total—14.		

ABSENT

Delegates—		
Bel	Haynes	Shannon
Cannon	Kean	Silverberg
Chehardy	Kilbourne	Tapper
Fayard	Mauberrret	Toca
Fowler	Pugh	Wall
Giarrusso	Rayburn	Womack
Total—18.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion the motion to reconsider was laid on the table.

Section 14. Grand Jury Proceedings

Section 14. At all stages of the grand jury proceedings, after arrest, the accused, if permitted to testify, shall have the right to the advice of counsel while testifying, to compulsory process for presenting witnesses to the grand jury for interrogation, and to the transcribed testimony of any witnesses appearing before the grand jury in his case.

Read.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 29 through 32 in their entirety and on page 5, delete lines 1 through 3 in their entirety

Delegate Arnette moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Derbes	Miller
Aertker	Deshotels	Nunez
Alario	Drew	Perez
Anzalone	Duval	Planchard
Arnette	Edwards	Sandoz
Badeaux	Elkins	Singletary
Bergeron	Fontenot	Smith
Bollinger	Gauthier	Stagg
Brien	Grier	Sutherland
Burns	Hardee	Tapper
Burson	Heine	Tate
Cannon	Hernandez	Thistlethwaite
Carmouche	Juneau	Tobias
Casey	Kean	Toca
Champagne	Landry, A.	Toomy
Conino	Lanier	Ullo
Conroy	Leigh	Wattigny
Corne	Lennox	Weiss
Cowen	Lowe	Willis
D'Gerolamo	McDaniel	Zervigon
Dennery	Martin	
Total—62.		

NAYS

Delegates—		
Alexander	Haynes	Riecke
Asseff	Jackson, A.	Robinson
Avant	Jackson, J.	Roemer
Berry	Jenkins	Roy
Blair	Kelly	Segura
Brown	Kilpatrick	Slay
Comar	Lambert	Soniat
De Blieux	Landrum	Stephenson
Dennis	Landry, E. J.	Stinson
Dunlap	Mire	Stovall
Flory	Munson	Thompson
Fulco	Newton	Velazquez
Ginn	O'Neill	Vick
Goldman	Perkins	Warren
Gravel	Pugh	Winchester
Guarisco	Rachal	Wisham
Hayes		
Total—49.		

ABSENT

Delegates—		
Mr. Chairman	Jack	Reeves
Bel	Kilbourne	Schmitt
Chatelain	LeBleu	Shannon
Chehardy	Leithman	Silverberg
Fayard	Mauberrret	Vesich
Fowler	Ourso	Wall
Giarrusso	Rayburn	Womack
Total—21.		

And the amendment was adopted.

Delegate Arnette moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 15. Fair Trial

Section 15. Every person charged with a crime shall be presumed innocent until proven guilty, and shall be entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue be changed in accordance with law. No person shall be compelled to give evidence against himself. An accused shall be entitled to confront and cross-examine the witnesses

against him, to compel the attendance of witnesses, to present a defense, and to take the stand in his own behalf.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 13, at the end of the line, add the following:

"Prior to his trial, every defendant shall be furnished with the transcribed testimony or statement, for or against him, of any witnesses appearing before any official or employee of the state or any of its political subdivisions or any grand jury which participated in any investigation of the case for which he is being prosecuted."

Delegate Gravel moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Jackson, J.	Segura
Berry	Kelly	Slay
Brien	Kilpatrick	Soniati
Corne	Landrum	Stagg
De Blieux	Landry, E. J.	Stephenson
Dennery	Mire	Stinson
Dunlap	Munson	Stovall
Flory	Newton	Thompson
Fulco	Ourso	Velazquez
Goldman	Pugh	Vick
Gravel	Rachal	Warren
Guarisco	Reeves	Wisham
Hayes	Riecke	Zervigon
Haynes	Roy	
Jackson, A.	Schmitt	
Total—43.		

NAYS

Delegates—		
Abraham	Deshotels	Miller
Aertker	Drew	Nunez
Alario	Duval	O'Neill
Anzalone	Edwards	Perez
Arnette	Elkins	Perkins
Asseff	Fontenot	Plancharde
Avant	Gauthier	Robinson
Badeaux	Grier	Roemer
Bergeron	Hardee	Sandoz
Bollinger	Hernandez	Singletary
Burns	Jack	Sutherland
Burson	Jenkins	Thistlethwaite
Cannon	Juneau	Tobias
Carmouche	Kean	Toca
Casey	Landry, A.	Toomy
Champagne	Lanier	Ullo
Comar	Leigh	Vesich
Conino	Leithman	Wattigny
Conroy	Lennox	Weiss
Cowen	Lowe	Willis
D'Gerolamo	McDaniel	Winchester
Derbes	Martin	
Total—65.		

ABSENT

Delegates—		
Alexander	Bel	Blair

Brown	Ginn	Shannon
Chatelain	Heine	Silverberg
Chehardy	Kilbourne	Smith
Dennis	Lambert	Tapper
Fayard	LeBleu	Tate
Fowler	Mauberret	Wall
Giarrusso	Rayburn	Womack
Total—24.		

And the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 13, after the word "to" and before the words "in his own behalf." delete the words "take the stand" and insert in lieu thereof the word "testify"

On motion of Delegate Derbes the amendment was adopted.

Delegate Derbes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 15, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Plancharde
Abraham	Fontenot	Pugh
Aertker	Fulco	Reeves
Alario	Gauthier	Riecke
Alexander	Ginn	Robinson
Anzalone	Goldman	Roemer
Arnette	Gravel	Roy
Asseff	Grier	Sandoz
Avant	Guarisco	Schmitt
Badeaux	Hayes	Segura
Bel	Haynes	Singletary
Bergeron	Hernandez	Slay
Berry	Jack	Soniati
Blair	Jackson, A.	Stagg
Bollinger	Jenkins	Stephenson
Brien	Juneau	Stinson
Burns	Kean	Stovall
Burson	Kelly	Sutherland
Cannon	Kilpatrick	Tapper
Carmouche	Landry, A.	Tate
Casey	Landry, E. J.	Thistlethwaite
Champagne	Lanier	Thompson
Comar	Leigh	Tobias
Conino	Leithman	Toca
Conroy	Lennox	Toomy
Corne	Lowe	Ullo
D'Gerolamo	McDaniel	Velazquez
De Blieux	Martin	Vesich
Dennery	Miller	Vick
Dennis	Mire	Warren
Derbes	Newton	Wattigny
Deshotels	Nunez	Weiss
Dunlap	O'Neill	Willis
Duval	Ourso	Winchester
Edwards	Perez	Wisham
Elkins	Perkins	Zervigon
Total—108.		

NAYS

Delegates—	
Jackson, J.	Rachal
Total—2.	

ABSENT

Delegates—		
Brown	Hardee	Rayburn
Chatelain	Heine	Shannon
Chehardy	Kilbourne	Silverberg
Cowen	Lambert	Smith
Drew	Landrum	Wall
Fayard	LeBleu	Womack
Fowler	Mauberret	
Giarrusso	Munson	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate Zervigon, Vice chair person of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Wednesday, September 12, 1973, at 1:00 o'clock p.m. in Committee Room 5 and will consider the following agenda:

AGENDA

Election of the chairman of the committee and other matters relating to the work of the committee.

Respectfully submitted,

MARY ZERVIGON,
Vice-Chairperson of the Committee on
Legislative Liaison and Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

CHANGE OF MEETING TIME

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, September 12, 1973, at 1:30 o'clock p.m. in Committee Room 9 and will consider the following agenda:

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, September 13, 1973, at 9:00 o'clock a.m. in (Room to be announced) and will consider the following agenda:

AGENDA

To consider the delegate proposal relating to freedom from discrimination

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stovall, chairman of the Committee on Rules, Credentials, and Ethics, sent up the following notice:

The Committee on Rules, Credentials and Ethics will meet on Wednesday, September 12, 1973, at 1:00 o'clock p.m. in Committee Room 10 and will consider the following agenda:

AGENDA

To consider resolutions which have been referred to the committee.

Respectfully submitted,

JAMES L. STOVALL,
Chairman of the Committee on
Rules, Credentials, and Ethics

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Kean—½ day.
Delegate Avant—½ day.
Delegate Rayburn—1½ days.
Delegate Segura—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, September 8, 1973 at 9:00 o'clock a.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, September 8, 1973 at 9:00 o'clock a.m.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

FORTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, September 8, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Flory	Planchard
Abraham	Fontenot	Rachal
Aertker	Fulco	Reeves
Alario	Gauthier	Riecke
Alexander	Goldman	Robinson
Anzalone	Ginn	Roemer
Arnette	Gravel	Roy
Asseff	Grier	Sandoz
Avant	Guarisco	Schmitt
Badeaux	Haddee	Segura
Bergeron	Hayes	Singletary
Bollinger	Heine	Slay
Brien	Hernandez	Smith
Brown	Jack	Soniat
Burns	Jackson, A.	Stagg
Burson	Jenkins	Stephenson
Cannon	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lennox	Vesich
Dennis	Lowe	Vick
Derbes	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Edwards	O'Neill	Wisham
Elkins	Ourso	Zervigon
Fayard	Perez	
Total—113.		

ABSENT

Delegates—		
Bel	Jackson, J.	Rayburn
Berry	Kilbourne	Shannon
Blair	Mauberret	Silverberg
Carmouche	Miller	Wall
Fowler	Nunez	Womack
Giarrusso	Perkins	
Haynes	Pugh	
Total—19.		

The Chairman announced that there were 113 members present and a quorum.

Prayer

Prayer was offered by Delegate Brien.

Pledge of Allegiance

Delegate Heine led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Avant, the reading of the Journal was dispensed with.

On motion of Delegate Avant, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 25 when it adjourned on Friday, September 7, 1973, which was taken up and acted upon as follows:

Section 16. Trial by Jury in Criminal Cases

Section 16. Any person charged with an offense or set of offenses punishable by imprisonment of more than six months may demand a trial by jury. In cases involving a crime necessarily punishable by hard labor, the jury shall consist of twelve persons, all of whom must concur to render a verdict in capital cases or cases in which no parole or probation is permitted, and ten of whom must agree in others. In cases not necessarily punishable by hard labor, the jury may consist of a smaller number of persons, all of whom must concur to render a verdict. The accused shall have the right to voir dire and to challenge jurors peremptorily.

Read.

On motion of Delegate A. Jackson action on the above Section was deferred at this time.

Section 17. Right to Bail

Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient sureties, unless charged with a capital offense and the proof is evident and the presumption is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is less than five years, and the judge may grant bail if the maximum sentence which may be imposed is greater. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is less than five years, and the judge may grant bail if the sentence actually imposed is greater.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Porposal as follows:

AMENDMENT No. 1—

On page 5, line 31 after the word "presumption" and before the words "is great" insert the words "of guilt"

On motion of Delegate Gravel the Amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel and Burson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 1 through 7, both inclusive in their entirety and insert in lieu thereof the following: "the maximum sentence which may be imposed is imprisonment of five years or less. The judge may grant bail if the maximum sentence which may be imposed is imprisonment in excess of five years. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is five years or less and the judge in his discretion may grant bail if the sentence actually imposed is in excess of five years imprisonment."

Delegate Gravel moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Mire
Abraham	Flory	Munson
Aertker	Fontenot	O'Neill
Alexander	Fulco	Ourso
Anzalone	Gauthier	Perez
Arnette	Ginn	Planchard
Asseff	Goldman	Rachal
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bergeron	Hardee	Robinson
Brien	Hayes	Roy
Brown	Heine	Sandoz
Burns	Hernandez	Schmitt
Burson	Jack	Segura
Casey	Jackson, A.	Singletary
Champagne	Jenkins	Slay
Chatelain	Juneau	Smith
Chehardy	Kean	Soniat
Comar	Kilpatrick	Stagg
Conino	Landrum	Stephenson
Conroy	Landry, A.	Stinson
Cowen	Landry, E. J.	Stovall
D'Gerolamo	Lanier	Sutherland
De Blieux	LeBleu	Tapper
Dennery	Leigh	Tate
Deshotels	Leithman	Thistlethwaite
Drew	Lennox	Thompson
Dunlap	Lowe	Tobias
Duval	McDaniel	Toca
Edwards	Martin	Toomy

Ullo
Velazquez
Vesich
Vick

Total—101.

Delegates—
Alario
Total—3.

Delegates—
Bel
Berry
Blair
Cannon
Carmouche
Corne
Dennis
Derbes
Fayard
Fowler
Total—28.

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 17, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Riecke
Abraham	Fontenot	Robinson
Aertker	Fulco	Roemer
Alario	Gauthier	Roy
Alexander	Ginn	Sandoz
Anzalone	Goldman	Schmitt
Arnette	Gravel	Segura
Asseff	Grier	Singletary
Avant	Hardee	Slay
Badeaux	Hayes	Smith
Bergeron	Heine	Soniat
Bollinger	Hernandez	Stagg
Brien	Jack	Stephenson
Brown	Jackson, A.	Stinson
Burns	Jenkins	Stovall
Burson	Juneau	Sutherland
Casey	Kean	Tapper
Champagne	Kilpatrick	Tate
Chatelain	Landry, A.	Thistlethwaite
Chehardy	Landry, E. J.	Thompson
Comar	Lanier	Tobias
Conino	LeBleu	Toca
Conroy	Leigh	Toomy
Cowen	Lennox	Ullo
D'Gerolamo	Lowe	Velazquez
De Blieux	McDaniel	Vesich
Dennery	Martin	Vick
Dennis	Mire	Warren
Derbes	Munson	Wattigny
Deshotels	O'Neill	Weiss
Drew	Ourso	Willis
Dunlap	Perez	Winchester
Duval	Planchard	Wisham
Edwards	Rachal	Zervigon
Elkins	Reeves	
Total—104.		

Total—0.

NAYS

ABSENT

Delegates—		
Bel	Carmouche	Giarrusso
Berry	Corne	Guarisco
Blair	Fayard	Haynes
Cannon	Fowler	Jackson, J.

Warren
Wattigny
Weiss
Willis

Bollinger

ABSENT

Giarrusso
Guarisco
Haynes
Jackson, J.
Kelly
Kilbourne
Lambert
Mauberet
Miller
Newton

Winchester
Wisham
Zervigon

Roemer

Nunez
Perkins
Pugh
Rayburn
Shannon
Silverberg
Wall
Womack

Kelly	Miller	Shannon
Kilbourne	Newton	Silverberg
Lambert	Nunez	Wall
Landrum	Perkins	Womack
Leithman	Pugh	
Mauberret	Rayburn	
Total—28.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Lanier, the Convention altered the Order of Business to take up Committee Proposal No. 25, Section 16, at this time.

Section 16. Trial by Jury in Criminal Cases

Section 16. Any person charged with an offense or set of offenses punishable by imprisonment of more than six months may demand a trial by jury. In cases involving a crime necessarily punishable by hard labor, the jury shall consist of twelve persons, all of whom must concur to render a verdict in capital cases or cases in which no parole or probation is permitted, and ten of whom must agree in others. In cases not necessarily punishable by hard labor, the jury may consist of a smaller number of persons, all of whom must concur to render a verdict. The accused shall have the right to voir dire and to challenge jurors peremptorily.

Read.

The above Section upon which action was deferred on Saturday, September 8, 1973, was taken up and acted upon as follows:

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Bergeron, Mr. Chairman, Abraham, Aertker, Alario, Alexander, Anzalone, Wattigny, Arnette, Avant, Badeaux, Bollinger, Brien, Burns, Burson, Champagne, Chatelain, Chehardy, Conino, Conroy, Cowen, D'Gerolamo, Dunlap, Duval, Flory, Fontenot, Gauthier, Grier, Hardee, Hernandez, Jack, Juneau, Kean, Kilpatrick, A. Landry, E. J. Landry, Leithman, Lowe, Martin, Mire, Munson, Newton, O'Neill, Ourso, Rachal, Robinson, Roemer, Roy, Sandoz, Schmitt, Segura, Slay, Smith, Stinson, Stovall, Sutherland, Thistlethwaite, Thompson, Toca, Toomy, Goldman, Ullo, Velazquez, Weiss, Willis and Wisham to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 15 through 26 both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. Criminal cases in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict; cases in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. Cases in which the punishment may be confinement at hard labor or confinement without hard labor of more than six months, shall be tried before a jury of six persons, five of whom must concur to render a verdict. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury. In all criminal prosecutions tried by a jury the accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law."

Delegate Lanier moved the adoption of the amendment.

Delegate Asseff objected.

By a vote of 99 yeas and 5 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 16, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Riecke
Abraham	Ginn	Robinson
Aertker	Goldman	Roemer
Alario	Gravel	Roy
Alexander	Grier	Sandoz
Anzalone	Hardee	Schmitt
Arnette	Hayes	Segura
Avant	Heine	Singletary
Badeaux	Hernandez	Slay
Bergeron	Jack	Smith
Bollinger	Jackson, A.	Soniat
Brien	Jenkins	Stagg
Brown	Juneau	Stephenson
Burns	Kean	Stinson
Burson	Kilpatrick	Stovall
Casey	Lambert	Sutherland
Champagne	Landrum	Tapper
Chatelain	Landry, A.	Tate
Chehardy	Landry, E. J.	Thistlethwaite
Comar	Lanier	Thompson
Conino	LeBleu	Tobias
Conroy	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Dennis	Martin	Vick
Derbes	Mire	Warren
Dunlap	Munson	Wattigny
Duval	O'Neill	Weiss
Edwards	Ourso	Willis
Elkins	Perez	Winchester
Flory	Planchard	Wisham
Fontenot	Rachal	Zervigon
Fulco	Reeves	
Total—104.		

NAYS

Delegates—		
Asseff	Deshotels	Drew
Total—3.		

ABSENT

Delegates—		
Bel	Guarisco	Perkins
Berry	Haynes	Pugh
Blair	Jackson, J.	Rayburn
Cannon	Kelly	Shannon
Carmouche	Kilbourne	Silverberg
Corne	Mauberret	Wall
Fayard	Miller	Womack
Fowler	Newton	
Giarrusso	Nunez	
Total—25.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez the rules were suspended in order to call a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

Unfinished Business, Resumed

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

Section 18. Right to Humane Treatment

Section 18. No person shall be subjected to euthanasia, torture, or cruel, unusual, or excessive punishments or treatments, and full rights shall be restored by termination of state or federal supervision for any offense.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete line 10 in its entirety and at the beginning of line 11 delete the word and punctuation "treatments," and insert in lieu thereof the following:
"torture, or cruel, excessive or unusual punishment,"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 9, immediately after the word "to" delete the remainder of the line

Delegate Zervigon moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham Aertker Alario

Arnette
Avant
Brown
Burson
Casey
Champagne
Chatelain
Conino
Conroy
Cowen
Dennery
Dennis
Derbes
Deshotels
Drew
Dunlap
Duval
Edwards
Elkins
Total—60.

Delegates—

Alexander
Anzalone
Asseff
Badeaux
Bergeron
Bollinger
Brien
Burns
Cannon
Comar
Corne
D'Gerolamo
De Blieux
Fontenot
Ginn
Total—45.

Delegates—

Mr. Chairman
Bel
Berry
Blair
Carmouche
Chehardy
Fowler
Giarrusso
Haynes
Total—27.

And the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

AMENDMENT No. 1—

On page 6, line 11, immediately after the word "punishment" added by Convention Floor Amendment No. 1 proposed by Mr. Dennery and adopted by the Convention on September 8, 1973, change the comma "," to a period "." and delete line 11 and line 12 in their entirety.

Motion

Delegate Jack suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—
Mr. Chairman Alexander Arnette
Abraham Anzalone Asseff

Martin
Mire
Ourso
Rachal
Roemer
Sandoz
Singletary
Smith
Stephenson
Sutherland
Tate
Thistlethwaite
Toomy
Ullo
Vick
Wattigny
Willis
Winchester
Zervigon

NAYS

Goldman
Guarisco
Hayes
Jackson, A.
Jenkins
Kelly
Kilpatrick
Lambert
Landrum
Landry, E. J.
Lennox
O'Neill
Planchard
Reeves
Riecke

Roy
Slay
Soniat
Stagg
Stinson
Stovall
Tapper
Thompson
Tobias
Toca
Velazquez
Vesich
Warren
Weiss
Wisham

ABSENT

Jackson, J.
Kilbourne
Mauberret
Miller
Munson
Newton
Nunez
Perez
Perkins

Pugh
Rayburn
Robinson
Schmitt
Segura
Shannon
Silverberg
Wall
Womack

Avant	Gravel	Riecke
Badeaux	Grier	Robinson
Bergeron	Guarisco	Roemer
Brien	Hardee	Roy
Brown	Hayes	Sandoz
Burns	Heine	Schmitt
Burson	Hernandez	Singletary
Cannon	Jack	Slay
Casey	Jackson, A.	Smith
Champagne	Jenkins	Soniat
Chatelain	Juneau	Stagg
Chehardy	Kean	Stinson
Comar	Kelly	Stovall
Conino	Lambert	Sutherland
Conroy	Landrum	Tapper
Corne	Landry, A.	Tate
D'Gerolamo	Landry, E. J.	Thistlethwaite
De Blieux	Lanier	Tobias
Dennery	LeBleu	Toca
Dennis	Leigh	Ullo
Derbes	Leithman	Velazquez
Deshotels	Lennox	Vesich
Drew	Lowe	Vick
Dunlap	McDaniel	Warren
Edwards	Martin	Wattigny
Elkins	Mire	Weiss
Fayard	O'Neill	Willis
Flory	Ourso	Winchester
Fulco	Planchard	Wisham
Gauthier	Rachal	Zerzigon
Goldman	Reeves	
Total—98.		

ABSENT

Delegates—	Ginn	Perkins
Aertker	Haynes	Pugh
Alario	Jackson, J.	Rayburn
Bel	Kilbourne	Segura
Berry	Kilpatrick	Shannon
Blair	Mauberret	Silverberg
Bollinger	Miller	Stephenson
Carmouche	Munson	Thompson
Cowen	Newton	Toomy
Duval	Nunez	Wall
Fontenot	Perez	Womack
Fowler		
Giarrusso		
Total—34.		

And the Chairman announced that there were 98 members present and a quorum.

Delegate Jack moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Hernandez	McDaniel
Arnette	Jack	Sandoz
Asseff	Kean	Singletary
Badeaux	Landry, A.	Smith
Drew	Lanier	Stinson
Elkins	Leigh	Sutherland
Fayard	Lennox	Thistlethwaite
Fulco	Lowe	Winchester
Grier		
Total—24.		

NAYS

Delegates—	Burson	Comar
Abraham	Cannon	Conino
Alexander	Casey	Conroy
Avant	Champagne	Corne
Bergeron	Chatelain	Cowen
Brien	Chehardy	D'Gerolamo
Brown		

De Blieux	Kilpatrick	Stagg
Dennery	Lambert	Stephenson
Dennis	Landrum	Stovall
Derbes	Landry, E. J.	Tapper
Dunlap	Leithman	Tate
Flory	Martin	Tobias
Gauthier	Mire	Toca
Ginn	O'Neill	Ullo
Goldman	Ourso	Velazquez
Gravel	Planchard	Vesich
Guarisco	Rachal	Vick
Hardee	Reeves	Warren
Hayes	Riecke	Wattigny
Heine	Robinson	Weiss
Jackson, A.	Roemer	Willis
Jenkins	Roy	Wisham
Juneau	Slay	Zervigon
Kelly	Soniat	
Total—71.		

ABSENT

Delegates—	Fontenot	Perez
Mr. Chairman	Fowler	Perkins
Aertker	Giarrusso	Pugh
Alario	Haynes	Rayburn
Anzalone	Jackson, J.	Schmitt
Bel	Kilbourne	Segura
Berry	LeBleu	Shannon
Blair	Mauberret	Silverberg
Bollinger	Miller	Thompson
Burns	Munson	Toomy
Carmouche	Newton	Wall
Deshotels	Nunez	Womack
Duval		
Edwards		
Total—37.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy, on behalf of the Committee on Bill of Rights and Elections to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

Strike out Convention Floor Amendment No. 1 proposed by Mr. Dennery and adopted by the Convention on September 8, 1973.

AMENDMENT No. 2—

On page 6, delete lines 9 and 10 in their entirety and at the beginning of line 11, strike out the words and punctuation "treatments," and insert in lieu thereof the following:

"Section 18. No law shall subject any person to euthanasia, torture, cruel, excessive, or unusual punishments,"

Delegate Weiss moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Cannon	Flory
Alexander	Champagne	Fulco
Asseff	Chehardy	Gauthier
Avant	Comar	Ginn
Badeaux	Bergeron	Goldman
Bergeron	Corne	Guarisco
Bollinger	D'Gerolamo	Hayes
Brien	De Blieux	Heine
Brown	Dennery	Jackson, A.
Burns	Drew	Jenkins
Burson	Duval	

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Kean	Planchar	Tobias
Kelly	Reeves	Toca
Kilpatrick	Riecke	Velazquez
Lambert	Robinson	Vesich
Landry, E. J.	Roy	Vick
LeBleu	Slay	Warren
Lennox	Soniat	Weiss
Lowe	Stinson	Winchester
O'Neill	Stovall	Wisham
Ourso	Tapper	
Total—59.		

NAYS

Delegates—	Gravel	Roemer
Abraham	Grier	Sandoz
Anzalone	Hardee	Singletary
Arnette	Hernandez	Smith
Casey	Jack	Stagg
Chatelain	Juneau	Stephenson
Conino	Landry, A.	Sutherland
Conroy	Lanier	Thistlethwaite
Cowen	Leigh	Ullo
Derbes	Leithman	Wattigny
Deshotels	Mire	Willis
Dunlap	Newton	Zervigon
Edwards	Rachal	
Fayard		
Total—38.		

ABSENT

Delegates—	Haynes	Pugh
Mr. Chairman	Jackson, J.	Rayburn
Aertker	Kilbourne	Schmitt
Alario	Landrum	Segura
Bel	McDaniel	Shannon
Berry	Martin	Silverberg
Blair	Maubert	Tate
Carmouche	Miller	Thompson
Dennis	Munson	Toomy
Elkins	Nunez	Wall
Fontenot	Perez	Womack
Fowler	Perkins	
Giarrusso		
Total—35.		

And the amendment was adopted.

Delegate Weiss moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 11 immediately after the word "restored" and before the word "by" insert the words "for any first offender"

Delegate Drew moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Bollinger	Champagne
Anzalone	Brien	Comar
Arnette	Burns	Conino
Asseff	Burson	Corne
Badeaux	Cannon	Cowen
Bergeron		

D'Gerolamo
Deshotels
Drew
Dunlap
Duval
Edwards
Fayard
Fontenot
Fulco
Grier
Hardee
Hayes
Heine

Total—54.

Delegates—

Adraham
Alexander
Brown
Casey
Chatelain
Chehardy
Conroy
De Blieux
Dennery
Flory
Gauthier
Ginn
Goldman
Gravel

Total—41.

Hernandez
Jack
Kean
Lambert
Landry, A.
Lanier
Leigh
Leithman
Lennox
Martin
Mire
Ourso
Rachal

NAYS

Guarisco
Jackson, A.
Jenkins
Juneau
Kelly
Kilpatrick
Landrum
Landry, E. J.
Lowe
Newton
O'Neill
Planchard
Reeves
Roemer

Riecke
Robinson
Singletary
Smith
Stagg
Stephenson
Stinson
Sutherland
Thistlethwaite
Wattigny
Weiss
Willis
Winchester

Roy
Slay
Soniat
Stovall
Tapper
Tobias
Ullo
Velazquez
Vesich
Vick
Warren
Wisham
Zerzigon

ABSENT

Delegates—
Mr. Chairman
Aertker
Alario
Avant
Bel
Berry
Blair
Carmouche
Dennis
Derbes
Elkins
Fowler
Giarrusso

Total—37.

Haynes
Jackson, J.
Kilbourne
LeBleu
McDaniel
Maubert
Miller
Munson
Nunez
Perez
Perkins
Pugh

Rayburn
Sandoz
Schmitt
Segura
Shannon
Silverberg
Tate
Thompson
Toca
Toomy
Wall
Womack

And the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Roy objected to tabling the motion to reconsider.

By a vote of 52 yeas and 44 nays the motion to reconsider was tabled.

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Derbes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, in Floor Amendment No. 1 proposed by Delegates Roy, et al., and adopted by the Convention on September 8, 1973, immediately after the word "punishment" at the end of said amendment, strike out the comma "," and insert in lieu thereof a period "." and insert immediately thereafter the following:

"Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense."

AMENDMENT No. 2—

On page 6, strike out lines 11 and 12 in their entirety including Convention Floor Amendment No. 1 proposed by Mr. Drew and adopted by the Convention of September 8, 1973.

Delegate Derbes moved the adoption of the amendments.

Delegate Drew objected.

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A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result.

YEAS

Delegates—		
Mr. Chairman	Duval	Reeves
Abraham	Edwards	Riecke
Aertker	Flory	Roemer
Alexander	Fulco	Roy
Arnette	Gauthier	Sandoz
Avant	Ginn	Schmitt
Badeaux	Goldman	Singletary
Bergeron	Gravel	Slay
Bollinger	Guarisco	Soniat
Brien	Hardee	Stagg
Brown	Hayes	Stephenson
Burson	Heine	Stovall
Casey	Jackson, A.	Tapper
Champagne	Jenkins	Tate
Chatelain	Juneau	Thistlethwaite
Chehardy	Kelly	Tobias
Comar	Kilpatrick	Toca
Conino	Landrum	Ullo
Conroy	Landry, E. J.	Velazquez
Corne	Leithman	Vesich
Cowen	Lowe	Vick
D'Gerolamo	Mire	Warren
De Blieux	Newton	Wattigny
Dennery	O'Neill	Willis
Dennis	Ourso	Winchester
Derbes	Planchard	Wisham
Deshotels	Rachal	Zerzigon
Total—81.		

NAYS

Delegates—		
Anzalone	Hernandez	McDaniel
Asseff	Jack	Martin
Burns	Kean	Robinson
Cannon	Landry, A.	Smith
Drew	Lanier	Stinson
Elkins	LeBleu	Sutherland
Fontenot	Leigh	Weiss
Grier	Lennox	
Total—23.		

ABSENT

Delegates—		
Alario	Jackson, J.	Rayburn
Bel	Kilbourne	Segura
Berry	Lambert	Shannon
Blair	Mauberret	Silverberg
Carmouche	Miller	Thompson
Dunlap	Munson	Toomy
Fayard	Nunez	Wall
Fowler	Perez	Womack
Giarrusso	Perkins	
Haynes	Pugh	
Total—28.		

And the amendments were adopted.

Delegate Gravel moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 18, was read, as amended.

Delegate Roy moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Abarham	Alexander

Anzalone	Ginn	Robinson
Arnette	Goldman	Roemer
Asseff	Gravel	Roy
Avant	Grier	Sandoz
Badeaux	Guarisco	Schmitt
Bergeron	Hayes	Singletary
Bollinger	Heine	Slay
Brien	Jackson, A.	Smith
Brown	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Cannon	Kelly	Stovall
Casey	Kilpatrick	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Tobias
Chehardy	Landry, E. J.	Toca
Comar	LeBleu	Ullo
Conino	Leigh	Velazquez
Corne	Leithman	Vesich
D'Gerolamo	Lennox	Vick
De Blieux	Lowe	Warren
Dennery	Mire	Wattigny
Derbes	Newton	Weiss
Dunlap	O'Neill	Willis
Duval	Ourso	Winchester
Edwards	Planchard	Wisham
Flory	Rachal	Zervigon
Fulco	Reeves	
Gauthier	Riecke	
Total—88.		

NAYS

Delegates—		
Aertker	Fontenot	Martin
Conroy	Hardee	Stinson
Cowen	Hernandez	Sutherland
Deshotels	Jack	Thistlethwaite
Drew	Lanier	
Elkins	McDaniel	
Total—16.		

ABSENT

Delegates—		
Alario	Jackson, J.	Rayburn
Bel	Kilbourne	Segura
Berry	Lambert	Shannon
Blair	Mauberret	Silverberg
Carmouche	Miller	Thompson
Dennis	Munson	Toomy
Fayard	Nunez	Wall
Fowler	Perez	Womack
Giarrusso	Perkins	
Haynes	Pugh	
Total—28.		

And the Chair declared that the above Section was passed.

Delegate Roy moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 19. Right to Vote

Section 19. No person eighteen years of age or older who is a citizen and resident of the state shall be denied the right to register and to vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent, or under an order of imprisonment for conviction of a felony.

Read.

Delegate A. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Landry, Badeaux, Lanier, Bollinger, Bel, Martin, Burns, Willis, Duval, Toomy, Roemer, Segura, Ourso, and Landrum to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 14 through 16, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. Every citizen of the state, upon reaching

eighteen years of age shall have the right to register and vote, except that this right may be sus—"

Delegate A. Landry moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 59 yeas and 40 nays the amendment was adopted.

Delegate A. Landry moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 17, after the word "is" delete the words "interdicted and" and on line 18 after the word "incompetent" insert the words "in an adversary proceeding"

Delegate Dennery moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 47 yeas and 66 nays the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 17, after the word "interdicted" delete the word "and" and insert in lieu thereof the word "or"

On motion of Delegate De Blieux the amendment was withdrawn.

Delegate Stinson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stinson to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 17 immediately after the word "is" delete the remainder of the line and insert in lieu thereof the following:

"mentally interdicted or judicially committed to a mental institution,"

AMENDMENT No. 2—

On page 6, line 18, at the beginning of the line delete the following:

"mentally incompetent,"

On motion of Delegate Stinson the amendments were withdrawn.

Delegate Stinson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stinson to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 17 immediately after the word "is" delete the remainder of the line and insert in lieu thereof the following:

"interdicted for mental incompetency or judicially committed to a mental institution,"

AMENDMENT No. 2—

On page 6, line 18, at the beginning of the line delete the following:

"mentally incompetent,"

Delegate Stinson moved the adoption of the amendments.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Dennis	Martin
Anzalone	Drew	Roy
Asseff	Duval	Schmitt
Badeaux	Elkins	Stinson
Bollinger	Fulco	Sutherland
Brien	Goldman	Tapper
Cannon	Hardee	Ullo
Champagne	Hernandez	Wattigny
Chatelain	Lambert	Vesich
Conino	Landry, E. J.	Weiss
Conroy	Lanier	Willis
Corne	LeBleu	Zerzigon
Cowen	Leigh	
Total—38.		

NAYS

Delegates—		
Mr. Chairman	Ginn	Rachal
Abraham	Gravel	Reeves
Aertker	Grier	Robinson
Arnette	Guarisco	Roemer
Avant	Hayes	Sandoz
Bergeron	Heine	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jenkins	Soniat
Casey	Juneau	Stagg
Chehardy	Kean	Stephenson
Comar	Kelly	Stovall
D'Gerolamo	Kilpatrick	Tate
De Blieux	Landry, A.	Thistlethwaite
Dennery	Lennox	Tobias
Derbes	Lowe	Toca
Deshotels	Mire	Velazquez
Dunlap	Newton	Vick
Fayard	O'Neill	Warren
Flory	Ourso	Winchester
Gauthier	Planchard	Wisham
Total—63.		

ABSENT

Delegates—		
Alario	Kilbourne	Rayburn
Bel	Landrum	Riecke
Berry	Leithman	Segura
Blair	McDaniel	Shannon
Carmouche	Mauberret	Silverberg
Fontenot	Miller	Thompson
Edwards	Munson	Toomy
Fowler	Nunez	Wall
Giarrusso	Perez	Womack
Haynes	Perkins	
Jackson, J.	Pugh	
Total—31.		

By a vote of 38 yeas and 63 nays the amendments were rejected.

Delegate Kelly moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 19, was read as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Dunlap	Planchard
Abraham	Fayard	Rachal
Aertker	Flory	Reeves
Alexander	Fontenot	Roemer
Anzalone	Fulco	Roy
Annette	Ginn	Sandoz
Avant	Goldman	Schmitt
Badeaux	Gravel	Singletary
Bergeron	Grier	Slay
Brien	Guarisco	Smith
Brown	Hardee	Soniat
Cannon	Hayes	Stephenson
Casey	Hernandez	Stovall
Champagne	Jack	Tapper
Chatelain	Jackson, A.	Tate
Chehardy	Jenkins	Tobias
Comar	Juneau	Toca
Conino	Kelly	Ullo
Conroy	Kilpatrick	Velazquez
Corne	Lambert	Vesich
Cowen	Landry, A.	Vick
D'Gerolamo	Landry, E. J.	Warren
De Blieux	Martin	Wattigny
Dennerly	Mire	Weiss
Dennis	Newton	Willis
Derbes	O'Neill	Wisham
Deshotels	Ourso	Zervigon
Total—81.		

NAYS

Delegates—

Asseff	Gauthier	Lowe
Bollinger	Heine	Robinson
Burns	Kean	Stagg
Burson	Lanier	Stinson
Drew	LeBleu	Sutherland
Duval	Leigh	Thistlethwaite
Elkins	Lennox	Winchester
Total—21.		

ABSENT

Delegates—

Alario	Kilbourne	Pugh
Bel	Landrum	Rayburn
Berry	Leithman	Riecke
Blair	McDaniel	Segura
Carmouche	Maubert	Shannon
Edwards	Miller	Silverberg
Fowler	Munson	Thompson
Giarrusso	Nunez	Toomy
Haynes	Perez	Wall
Jackson, J.	Perkins	Womack
Total—30.		

And the Chair declared that the above Section was passed.

Delegate Stinson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Perez, chairman, on behalf of the Committee on Local and Parochial Government, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 8, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Local and Parochial Government to submit the following report:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Reported with amendments.

Respectfully submitted,

C. O. PEREZ,
Chairman.

Suspension of the Rules

On motion of Delegate Perez the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Reported with the following amendments by the Committee on Local and Parochial Government:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Local and Parochial Government to Committee Proposal No. 17 by Delegate Perez, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 1, after the word "operative" and before the word "any" delete the word "an" and insert in lieu thereof the word "in"

AMENDMENT No. 2—

On page 3, line 18, after the word "and" and before the word "functions" insert the words "performance of such"

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AMENDMENT No. 3—

On page 3, line 30, after the word "charter" and before the comma ",", insert the words "or alternate charter"

AMENDMENT No. 4—

On page 4, line 4, after the word "electors" and before the word "who" insert a comma ","

AMENDMENT No. 5—

On page 5, line 10, after the word "and" and before the word "functions" insert the words "performance of such"

AMENDMENT No. 6—

On page 5, between lines 10 and 11, insert the following:
"(G) The powers and functions of a parish or city school board and the offices of sheriff, clerk of the district court, coroner, or assessor shall not be affected by any provision of a home rule charter or plan of government adopted or amended under the provisions of this Section."

AMENDMENT No. 7—

On page 6, between lines 2 and 3, insert the following:
"(C) The powers granted in this Section shall not be construed to affect the powers and functions of a parish or city school board and the offices of sheriff, clerk of a district court, coroner, or assessor."

AMENDMENT No. 8—

On page 6, line 25, after the semicolon ";" and before "(3)" insert the word "or"

AMENDMENT No. 9—

On page 7, line 2, after the word and punctuation "legislature." delete the remainder of the line and delete line 3 in its entirety

AMENDMENT No. 10—

On page 7, between lines 3 and 4, insert the following section:

"Section 14. Local Officials; Compensation

Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials shall not be reduced during the terms for which they are elected."

AMENDMENT No. 11—

On page 7, at the beginning of line 4, change "Section 14." to "Section 15."

AMENDMENT No. 12—

On page 7, at the beginning of line 5, change "Section 14." to "Section 15."

AMENDMENT No. 13—

On page 7, line 23, after the word "year" and before the words "a special" change the semicolon ";" to a comma ","

AMENDMENT No. 14—

On page 8, delete lines 23 through 27, both inclusive, in their entirety

AMENDMENT No. 15—

On page 8, at the beginning of line 28, change "(G)" to "(F)"

AMENDMENT No. 16—

On page 8, delete lines 31 and 32, in their entirety and on page 9, delete lines 1 through 5, both inclusive, in their entirety

AMENDMENT No. 17—

On page 9, line 26, after the word "following" and before the word "powers" insert the word "discretionary"

AMENDMENT No. 18—

On page 10, line 2, after the words "powers and" and be-

fore the word "functions" insert the words "perform all of its"

AMENDMENT No. 19—

On page 10, line 8, after the word "subdivision" and before the word "However" change the period "." to a comma "," and insert the following:
"and the requirements of this constitution and applicable laws relative to the levy of taxes and the issuance of bonds are complied with."

AMENDMENT No. 20—

On page 10, at the end of line 28, add the following:
"No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose."

AMENDMENT No. 21—

On page 10, at the beginning of line 30, delete the word "abolished" and insert in lieu thereof the words "consolidated and merged"

AMENDMENT No. 22—

On page 13, at the end of line 4, add the following:
"deep-water port commission, or deep-water port, harbor, and terminal district,"

AMENDMENT No. 23—

On page 13, line 10, after the word "bonds" and before the word "and" insert the following:
", subject to the approval of the State Bond Commission or any successor thereto,"

AMENDMENT No. 24—

On page 13, line 21, after the word "subdivision" and before the word "issuing" insert the following:
", deep-water port commission, or deep-water port, harbor, and terminal district"

AMENDMENT No. 25—

On page 14, line 25, after the word "State" and before the word "and" insert the punctuation and words ", School Districts,"

AMENDMENT No. 26—

On page 14, line 27, immediately after the word "state" insert a comma "," and delete the word "or" and delete line 28 in its entirety and insert in lieu thereof the following:
"school districts, or against any political subdivision in any"

AMENDMENT No. 27—

On page 17, between lines 20 and 21, insert the following: word "of" delete the word and number "and 8"

AMENDMENT No. 28—

On &page 17, between lines 20 and 21, insert the following:
"(D) The legislature by general or special law may authorize the imposition of additional sales and use taxes by local governmental subdivisions in excess of that provided in paragraph (A) of this Section, provided that such taxes are approved by the electors of the local governmental subdivision as provided in paragraph (B) of this Section.

(E) Nothing contained in this Section shall be construed to repeal or affect any sales and use tax authorized or imposed by any municipality, parish, or school board as provided by law or a home rule charter or plan of government on the effective date of this constitution."

AMENDMENT No. 29—

On page 18, at the beginning of line 12, delete the following:
"Article _____, Section _____ of"

AMENDMENT No. 30—

On page 18, line 31, after "Section 39." and before the word "obligation" delete the word "General" and insert in lieu thereof the following:

"Subject to the approval of the State Bond Commission or any successor thereto, general"

AMENDMENT No. 31—

On page 19, delete lines 14 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount,

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shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and (2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

AMENDMENT No. 32—

On page 21, line 1, after the word "published" and before the word "once" insert the words "at least"

AMENDMENT No. 33—

On page 25, line 20, after the words "passed by" delete the remainder of the line and insert in lieu thereof the words "a favorable vote of at least two-thirds of"

AMENDMENT No. 34—

On page 25, line 28, after the words "deep-water port" delete the remainder of the line and insert in lieu thereof the following:

"commission or deep-water port, harbor, and terminal district except by a favorable vote of at least two-thirds of the"

AMENDMENT No. 35—

On page 26, line 9, after the word "port" delete the period "." and add the following:

"commission or deep-water port, harbor, and terminal district."

AMENDMENT No. 36—

On page 26, line 12, after the word "composition" and before the word "and" insert the words "of said board"

AMENDMENT No. 37—

On page 26, line 13, after the word "said" and before the word "shall" delete the word "board" and insert in lieu thereof the word "port"

AMENDMENT No. 38—

On page 27, line 19, after the words "commissions and" and before the word "port" insert the word "deep-water"

On motion of Delegate Perez, and under a suspension of the rules, the amendments were adopted.

On motion of Delegate Perez the above Proposal was ordered engrossed and passed to its third reading.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

Introduction of Resolutions Delegate and Committee Resolutions

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

DELEGATE RESOLUTION No. 48—

Introduced by Delegate Alexander:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule No. 30.1.

Read.

Lies over under the rules.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Wednesday, September 12, 1973, at 1:30 o'clock P.M. in the House Chamber and will consider the following agenda:

AGENDA

1. Method of final report to the public.
2. Consideration of regional meetings.

Respectfully submitted,

PAT JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Pugh—1 day.
Delegate Miller—1 day.
Delegate Carmouche—1 day.
Delegate Kilbourne—1 day.
Delegate Bel—1 day.
Delegate Nunez—1 day.
Delegate Shannon—Indefinite.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, September 12, 1973, at 9:00 o'clock a.m.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, September 12, 1973 at 9:00 o'clock a.m.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FORTY-FIFTH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, September 12, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	O'Neill	Perez
Abraham	Fowler	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Rayburn
Anzalone	Ginn	Reeves
Arnette	Goldman	Robinson
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hayes	Schmitt
Bergeron	Heine	Segura
Berry	Hernandez	Singletary
Blair	Jack	Smith
Bollinger	Jackson, A.	Soniati
Brien	Jenkins	Stagg
Brown	Juneau	Stephenson
Burns	Kean	Stovall
Burson	Kelly	Sutherland
Cannon	Kilbourne	Tapper
Carmouche	Kilpatrick	Tate
Casey	Lambert	Thistlethwaite
Champagne	Landrum	Tobias
Chatelain	Landry, A.	Toca
Comar	Landry, E. J.	Toomy
Conino	Lanier	Ullo
Conroy	LeBleu	Velazquez
Corne	Leigh	Vesich
Cowen	Lennox	Vick
D'Gerolamo	Lowe	Wall
De Blieux	McDaniel	Warren
Dennis	Martin	Wattigny
Deshotels	Mauberret	Weiss
Drew	Miller	Willis
Dunlap	Mire	Winchester
Duval	Munson	Wisham
Elkins	Newton	Zervigon
Flory	Nunez	
Fontenot	Ourso	
Total—112.		

ABSENT

Delegates—		
Aertker	Hardee	Riecke
Chehardy	Haynes	Silverberg
Derbes	Jackson, J.	Slay
Dennery	Leithman	Stinson
Edwards	Pugh	Thompson
Fayard	Rachal	Womack
Giarrusso	Shannon	
Total—20.		

The Chairman announced that there were 112 members
present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Conroy led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Reeves, the reading of the Journal
was dispensed with.

On motion of Delegate Reeves, the Journal of yesterday
was adopted.

Morning Hour

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions
on second reading to be referred to Committees were taken
up, read, and referred to Committees, as follows:

DELEGATE RESOLUTION No. 48—

Introduced by Delegate Alexander:

A RESOLUTION

To amend the Standing Rules of the Constitutional Conven-
tion to add a new Rule No. 30.1.

Read.

Under the rules the above Resolution was referred to the
Committee on Rules, Credentials and Ethics.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for Committee
Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf
of the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the
constitution.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 25 when it adjourned
on Saturday, September 8, 1973, which was taken up and
acted upon as follows:

Section 20. Right to Keep and Bear Arms

Section 20. The right of each citizen to keep and bear
arms shall not be abridged, but this provision shall not pre-
vent the passage of laws to prohibit the carrying of con-
cealed weapons.

Read.

Delegate Avant sent up floor amendments, which were read
as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Avant, Burson, Thomp-
son, Ourso, Munson, A. Landry, Sandoz, Lanier, Ginn, Drew,
Edwards, O'Neill, Jenkins, LeBleu, Elkins, Thistlethwaite,
Heine, Bollinger, Robinson, McDaniel, Martin, Hardee, Co-
wen, Juneau, Landry, Chatelain, Anzalone and Kelly to Com-
mittee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 23, after the words "carrying of" delete

PAGE 2

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"con-" and delete line 24 in its entirety and insert in lieu thereof the following:
"weapons concealed on the person."

AMENDMENT No. 2—

On page 6, at the end of line 24, add the following sentence:

"No law shall require the licensing or registration or impose special taxation on the ownership or possession of firearms or ammunition."

On motion of Delegate Avant a division of the question was ordered.

Delegate Avant moved the adoption of Amendment No. 1.

Delegate Stovall objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Newton
Abraham	Fowler	Nunez
Alario	Gauthier	O'Neill
Anzalone	Ginn	Perez
Arnette	Goldman	Planchard
Asseff	Grier	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hayes	Robinson
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Berry	Jenkins	Singletary
Blair	Juneau	Smith
Bollinger	Kean	Stagg
Brown	Kelly	Stephenson
Burns	Kilbourne	Sutherland
Cannon	Kilpatrick	Tapper
Champagne	Landry, A.	Thistlethwaite
Chatelain	Landry, E. J.	Toca
Conroy	Lanier	Toomy
Corne	Leigh	Ullo
Cowen	Lennox	Vesich
D'Gerolamo	Lowe	Wattigny
Deshotels	Martin	Willis
Dunlap	Mauberrret	Winchester
Duval	Miller	Wisham
Elkins	Mire	
Flory	Munson	
Total—79.		

NAYS

Delegates—		
Alexander	Landrum	Velazquez
Brien	Perkins	Vick
Burson	Schmitt	Warren
Casey	Soniat	Weiss
Comar	Stovall	Zervigon
De Blieux	Tate	
Gravel	Tobias	
Total—19.		

ABSENT

Delegates—		
Aertker	Hardee	Riecke
Carmouche	Haynes	Roemer
Chehardy	Jack	Segura
Conino	Jackson, A.	Shannon
Dennery	Jackson, J.	Silverberg
Dennis	Lambert	Slay
Derbes	LeBleu	Stinson
Drew	Leithman	Thompson
Edwards	McDaniel	Wall
Fayard	Ourso	Womack
Fulco	Pugh	
Giarrusso	Rachal	
Total—34.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant moved the adoption of Amendment No. 2.

Delegate Stovall objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Grier	Mire
Anzalone	Hayes	Munson
Asseff	Heine	Newton
Avant	Hernandez	Nunez
Bergeron	Jenkins	O'Neill
Bollinger	Kelly	Reeves
Cannon	Kilbourne	Robinson
Chatelain	Kilpatrick	Singletary
Cowen	Landry, A.	Stagg
Deshotels	Landry, E. J.	Stephenson
Dunlap	Martin	Tapper
Elkins	Miller	Wisham
Ginn		
Total—37.		

NAYS

Delegates—		
Mr. Chairman	Fowler	Sandoz
Abraham	Fulco	Schmitt
Alexander	Gauthier	Smith
Arnette	Goldman	Soniat
Badeaux	Gravel	Stovall
Bel	Guarisco	Sutherland
Berry	Jackson, A.	Tate
Blair	Juneau	Thistlethwaite
Brien	Kean	Tobias
Brown	Landrum	Toca
Burns	Lanier	Toomy
Burson	Leigh	Ullo
Casey	Lennox	Velazquez
Champagne	Lowe	Vesich
Comar	Mauberrret	Vick
Conroy	Perez	Warren
Corne	Perkins	Wattigny
D'Gerolamo	Planchard	Weiss
De Blieux	Rayburn	Willis
Duval	Roemer	Winchester
Flory	Roy	Zervigon
Fontenot		
Total—64.		

ABSENT

Delegates—		
Aertker	Hardee	Rachal
Carmouche	Haynes	Riecke
Chehardy	Jack	Segura
Conino	Jackson, J.	Shannon
Dennery	Lambert	Silverberg
Dennis	LeBleu	Slay
Derbes	Leithman	Stinson
Drew	McDaniel	Thompson
Edwards	Ourso	Wall
Fayard	Pugh	Womack
Giarrusso		
Total—31.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 20, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

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45th Day's Proceedings—September 12, 1973

YEAS

Delegates— Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perez
Alexander	Ginn	Perkins
Anzalone	Goldman	Planchard
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Robinson
Badeaux	Hayes	Roemer
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Berry	Jack	Schmitt
Bollinger	Jackson, A.	Singletery
Brien	Jenkins	Smith
Brown	Juneau	Soniat
Burns	Kean	Stagg
Burson	Kelly	Stephenson
Cannon	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Champagne	Lambert	Tapper
Chatelain	Landry, A.	Tate
Comar	Landry, E. J.	Thistlethwaite
Conroy	Lanier	Toca
Corne	Leigh	Toomy
Cowen	Lennox	Ullo
D'Gerolamo	Lowe	Vesich
De Blieux	Martin	Vick
Deshotels	Mauberet	Warren
Drew	Miller	Wattigny
Dunlap	Mire	Weiss
Duval	Munson	Willis
Elkins	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Zervigon
Fowler		
Total—100.		

NAYS

Delegates— Landrum	Tobias	Velazquez
Total—3.		

ABSENT

Delegates— Aertker	Fayard	Riecke
Alario	Giarrusso	Segura
Blair	Hardee	Shannon
Carmouche	Haynes	Silverberg
Chehardy	Jackson, J.	Slay
Conino	LeBleu	Stinson
Dennery	Leithman	Thompson
Dennis	McDaniel	Wall
Derbes	Pugh	Womack
Edwards	Rachal	
Total—29.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Read.

Passage

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman	Alario	Anzalone
Abraham	Alexander	Arnette

Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Robinson
Bel	Hayes	Roemer
Bergeron	Heine	Roy
Berry	Hernandez	Sandoz
Blair	Jack	Schmitt
Bollinger	Jackson, A.	Segura
Brien	Jenkins	Singletery
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Cannon	Kilbourne	Stephenson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Comar	Landry, A.	Tate
Conroy	Landry, E. J.	Thistlethwaite
Corne	Lanier	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Lennox	Toomy
De Blieux	Lowe	Ullo
Deshotels	Martin	Velazquez
Drew	Mauberet	Vesich
Dunlap	Miller	Vick
Duval	Mire	Warren
Elkins	Munson	Wattigny
Flory	Newton	Weiss
Fontenot	Nunez	Willis
Fowler	O'Neill	Winchester
Fulco	Ourso	Wisham
Gauthier	Perez	Zerzigon
Ginn	Perkins	
Goldman	Planchard	
Total—106.		

NAYS

Total—0.

ABSENT

Delegates— Aertker	Giarrusso	Riecke
Carmouche	Hardee	Shannon
Chehardy	Haynes	Silverberg
Conino	Jackson, J.	Slay
Dennery	LeBleu	Stinson
Dennis	Leithman	Thompson
Derbes	McDaniel	Wall
Edwards	Pugh	Womack
Fayard	Rachal	
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Willis moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for actual or threatened injury to him in his person, property, reputation, or other rights. Neither the state, its political subdivisions, nor any private person shall be immune from suit and liability.

Read.

Delegate Conroy sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 1, after the word "rights." delete the remainder of the line and delete lines 2 and 3 both inclusive in their entirety

Delegate Conroy moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 78 yeas and 17 nays the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 6, line 32, after the word "for" and before the word "injury" delete the words "actual or threatened"

Delegate Arnette moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 63 yeas and 34 nays the amendment was adopted.

Delegate Arnette moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 3, at the end of the line add the following: "No private person shall be immune from suit and liability except as otherwise provided in this Constitution."

On motion of Delegate Avant the amendment was withdrawn.

Passage

Committee Proposal No. 25, Section 22, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	D'Gerolamo	Kean
Alario	De Blieux	Kelly
Alexander	Dennis	Kilbourne
Anzalone	Deshotels	Kilpatrick
Arnette	Drew	Lambert
Asseff	Dunlap	Landrum
Avant	Duval	Landry, A.
Badeaux	Elkins	Landry, E. J.
Bel	Flory	Lanier
Bergeron	Fontenot	Leigh
Berry	Fowler	Lennox
Blair	Fulco	Lowe
Bollinger	Gauthier	Martin
Brien	Ginn	Mauberret
Burns	Goldman	Mire
Burson	Gravel	Munson
Cannon	Grier	Newton
Casey	Guarisco	Nunez
Champagne	Hayes	O'Neill
Chatelain	Heine	Ourso
Comar	Hernandez	Perez
Conino	Jack	Perkins
Conroy	Jackson, A.	Planchard
Corne	Jenkins	Rayburn
Cowen	Juneau	Reeves

Robinson
Roemer
Roy
Sandoz
Schmitt
Segura
Singletary
Smith
Soniat
Stagg
Total—105.

Stephenson
Stovall
Sutherland
Tate
Thistlethwaite
Tobias
Toca
Toomy
Ullo
Velazquez

Vesich
Vick
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Zervigon

NAYS

Total—0.

ABSENT

Delegates—
Mr. Chairman
Aertker
Brown
Carmouche
Chehardy
Dennerly
Derbes
Edwards
Fayard
Total—27.

Giarrusso
Hardee
Haynes
Jackson, J.
LeBleu
Leithman
McDaniel
Miller
Pugh

Rachal
Riecke
Shannon
Silverberg
Slay
Stinson
Tapper
Thompson
Womack

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Zervigon the Rules were suspended in order to call a meeting of the Committee on Legislative Transitional Measures without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Zervigon, vice-chairperson of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Wednesday, September 12, 1973, upon adjournment in the Convention Hall and will consider the following agenda:

AGENDA

Election of new committee officers.

Respectfully submitted,

MARY KELLER ZERVIGON,
Vice-Chairperson of the Committee on
Legislative Liaison and Transitional Measures.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate A. Jackson, Jr., chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, September 13, 1973, at 9:00 o'clock A.M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

Agenda previously announced.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Thursday & Friday, September 13 and 14, 1973, at 9:00 o'clock A.M. in Committee Room 206 and will consider the following agenda:

AGENDA

To consider proposals referred to the committee.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, September 13, 1973, at 9:00 o'clock A.M. in Committee Room 205 and will consider the following agenda:

AGENDA

To consider proposals referred to the committee.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education & Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday & Friday, September 13 & 14, 1973, at 9:00 o'clock A.M. in Committee Room 4 and will consider the following agenda:

AGENDA

To consider proposals referred to the committee.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance & Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources and Environment, sent up the following notice:

The Committee on Natural Resources and Environment will meet on Thursday & Friday, September 13 & 14, 1973, at 9:00 o'clock A.M. in Committee Room 10 and will consider the following agenda:

AGENDA

To consider proposals referred to the committee.

Respectfully submitted,

LOUIS LAMBERT, JR.,
Chairman of the Committee on
Natural Resources & Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, September 13, 1973 and Friday, September 14, 1973, at 10:00 o'clock A.M. in Committee Room 9 and will consider the following agenda:

AGENDA

To consider proposals referred to the committee.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-Committee on Transitional Measures for Local and Parochial Government, sent up the following notice:

The Sub-Committee on Transitional Measures for Local and Parochial Government will meet on Thursday, September 13, 1973, after adjournment of Committee on Local and Parochial Government in Committee Room 9, and will consider the following agenda:

AGENDA

To consider:

Disposition of provisions of the 1921 Constitution not included in Committee Proposal.

Respectfully submitted,

WALTER I. LANIER, JR.,
Chairman of the Sub-Committee on
Transitional Measures for Local and
Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Chehardy—1 day.
Delegate Stinson—1 day.
Delegate Thompson—1 day.
Delegate Riecke—2 days.
Delegate Dennery—1 day.
Delegate Leithman—1 day.
Delegate Aertker—½ day.
Delegate Haynes—Indefinite.
Delegate Pugh—

Adjournment

Delegate Blair moved that the Convention do now adjourn until Thursday, September 13, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Vice-Chairman Casey declared the Convention adjourned to Thursday, September 13, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE
STATE OF LOUISIANA

FORTY-SIXTH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, September 13, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 P.M., by Hon.
E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fowler	Perkins
Aertker	Fulco	Planchard
Alario	Gauthier	Pugh
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Heine	Schmitt
Berry	Hernandez	Singletary
Blair	Jack	Slay
Bollinger	Jackson, A.	Smith
Brien	Jackson, J.	Soniati
Brown	Jenkins	Stagg
Burns	Juneau	Stephenson
Burson	Kean	Stinson
Cannon	Kelly	Stovall
Carmouche	Kilbourne	Sutherland
Casey	Kilpatrick	Tapper
Champagne	Lambert	Tate
Chatelain	Landrum	Thistlethwaite
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	LeBleu	Toomy
Cowen	Leigh	Ullo
D'Gerolamo	Leithman	Velazquez
De Blieux	Lennox	Vesich
Dennery	Lowe	Vick
Dennis	McDaniel	Wall
Derbes	Martin	Warren
Deshotels	Mauberrert	Wattigny
Drew	Miller	Weiss
Dunlap	Mire	Willis
Duval	Munson	Winchester
Edwards	Newton	Wisham
Elkins	Nunez	Womack
Fayard	O'Neill	Zervigon
Flory	Oruso	
Total—125.		

ABSENT

Delegates—		
Chehardy	Riecke	Shannon
Giarrusso	Segura	Silverberg
Haynes		
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate E. J. Landry led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Velazquez, the reading of the
Journal was dispensed with.

On motion of Delegate Velazquez, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Stovall, chairman, on behalf of the Committee on
Rules, Credentials and Ethics, submitted the following re-
port:

State of Louisiana
Constitutional Convention
of 1973

September 13, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Rules, Credentials
and Ethics to submit the following report:

DELEGATE RESOLUTION No. 36—

Introduced by Delegate Segura:

A RESOLUTION

To amend Rule No. 33 and Rule No. 36 of the Standing
Rules of the Constitutional Convention and to allow proxy
voting under certain conditions.

Reported unfavorably.

DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention to add a new Rule to require committee action
on any proposed new Section to a Committee Proposal.

Reported Unfavorably.

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Con-
vention to prohibit amendments in conflict with Sections
previously adopted by the convention.

Reported unfavorably.

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Con-
stitutional Convention to provide that delegates not vot-
ing, rather than absentees, shall be listed separately.

Reported favorably.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of
the Standing Rules of the Constitutional Convention to
require that the recommendations of the Committee on
Style and Drafting on proposals adopted be submitted to
the substantive committee involved prior to report to the
convention.

Reported favorably.

Respectfully submitted,

JAMES L. STOVALL
Chairman.

Suspension of the Rules

On motion of Delegate Stovall the rules were suspended in order to take up the Resolutions contained in the Committee Report at this time.

Delegate and Committee Resolutions on Second Reading Reported by Committees

The following entitled Delegate and Committee Resolutions reported by Committees were taken up and acted upon as follows:

DELEGATE RESOLUTION No. 36—

Introduced by Delegate Segura:

A RESOLUTION

To amend Rule No. 33 and Rule No. 36 of the Standing Rules of the Constitutional Convention and to allow proxy voting under certain conditions.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Segura the Resolution was withdrawn from the files of the Convention.

DELEGATE RESOLUTION No. 37—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to add a new Rule to require committee action on any proposed new Section to a Committee Proposal.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Burson the Resolution was withdrawn from the files of the Convention.

DELEGATE RESOLUTION No. 38—

Introduced by Delegate Burson:

A RESOLUTION

To amend the Standing Rules of the Constitutional Convention to prohibit amendments in conflict with Sections previously adopted by the convention.

Read.

Reported unfavorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Burson the Resolution was withdrawn from the files of the Convention.

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitutional Convention to provide that delegates not voting, rather than absentees, shall be listed separately.

Read.

Reported favorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Zervigon the Resolution was ordered engrossed and passed to its third reading.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

Read.

Reported favorably by the Committee on Rules, Credentials and Ethics.

On motion of Delegate Casey the Resolution was ordered engrossed and passed to its third reading.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment of yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 25 when it adjourned on Wednesday, September 12, 1973, which was taken up and acted upon as follows:

Section 23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Read.

Passage

Delegate Roy moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Martin
Abraham	Elkins	Mauberret
Aertker	Flory	Miller
Alario	Fontenot	Mire
Alexander	Fowler	Munson
Anzalone	Fulco	Newton
Arnette	Gauthier	Nunez
Asseff	Ginn	O'Neill
Avant	Goldman	Perez
Badeaux	Gravel	Perkins
Bel	Grier	Planchard
Bergeron	Guarisco	Pugh
Berry	Hardee	Rachal
Blair	Hayes	Reeves
Bollinger	Heine	Robinson
Brien	Hernandez	Roemer
Burns	Jack	Roy
Burson	Jackson, A.	Sandoz
Carmouche	Jenkins	Schmitt
Casey	Juneau	Singletary
Champagne	Kean	Slay
Chatelain	Kelly	Smith
Comar	Kilbourne	Soniat
Conino	Kilpatrick	Stagg
Conroy	Lambert	Stephenson
Corne	Landrum	Stinson
Cowen	Landry, A.	Stovall
De Blieux	Landry, E. J.	Sutherland
Dennery	Lanier	Tate
Dennis	LeBleu	Thistlethwaite
Derbes	Leithman	Thompson
Deshotels	Lennox	Tobias
Drew	Lowe	Toca
Dunlap	McDaniel	Toomy

Ullo	Warren	Winchester
Velazquez	Wattigny	Wisham
Vick	Weiss	Zervigon
Wall	Willis	
Total—113.		

NAYS

Delegates—
Total—0.

ABSENT

Delegates—		
Brown	Haynes	Segura
Cannon	Jackson, J.	Shannon
Chehardy	Leigh	Silverberg
D'Gerolamo	Ourso	Tapper
Edwards	Rayburn	Vesich
Fayard	Riecke	Womack
Giarrusso		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Roy moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 24. Freedom of Commerce

Section 24. No law shall impair the right of each person to engage in commerce by controlling the production, distribution, or price of goods, except when necessary to protect public health and safety.

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 7 through 11, both inclusive, in their entirety

Other co-authors: McDaniel, Elkins, Drew, Derbes, Womack, Deshotels, Hardee, Fontenot, Grier, Smith, Champagne, Thistlethwaite, Lennox, Tobias, Alario, Conroy, Juneau, Tate, Burson, Sandoz, Burns, Cowen, Aertker, Perez, Ourso, Schmitt, Arnette, Willis, Wattigny, Leigh, Avant, Wisham, Munson, Brien, Rowe, Mire, Martin, Thompson, Corne, Burns, Bollinger, Duval, A. Landry, Edwards, Velazquez, Warren, Stagg, Casey, Kelly, Kilpatrick, Singletary, Gauthier, Rachal, Chatelain, Comar, Hernandez, D'Gerolamo, Leithman, Heine, Vesich, Zervigon, Dennery, Kean, Dennis, Bergeron, Planchard, E. J. Landry, Abraham, Anzalone, Stovall and Tapper:

Delegate Flory moved the adoption of the amendment.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bel	Chatelain
Abraham	Bergeron	Comar
Aertker	Blair	Conino
Alario	Brien	Conroy
Alexander	Burns	Corne
Anzalone	Burson	Cowen
Arnette	Carmouche	D'Gerolamo
Avant	Casey	De Blieux
Badeaux	Champagne	Dennery

Dennis
Derbes
Deshotels
Drew
Duval
Elkins
Fayard
Flory
Fontenot
Fowler
Fulco
Gauthier
Ginn
Goldman
Gravel
Grier
Hardee
Hayes
Heine
Hernandez
Jack
Juneau
Kean
Kelly
Kilbourne
Total—100.

Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
Leithman
Lennox
Lowe
McDaniel
Martin
Mauberret
Miller
Mire
Munson
Newton
Nunez
Ourso
Perez
Perkins
Planchard
Rachal
Reeves
Robinson
Sandoz
Schmitt
Singletary
Slay
Smith
Stagg
Stovall
Sutherland
Tate
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegates—
Asseff
Berry
Bollinger
Dunlap
Guarisco
Total—15.

Jackson, A.
Jackson, J.
Jenkins
Landrum
LeBleu
O'Neill
Roemer
Roy
Soniat
Stephenson

ABSENT

Delegates—
Brown
Cannon
Chehardy
Edwards
Giarrusso
Haynes
Total—17.

Leigh
Pugh
Rayburn
Riecke
Segura
Shannon
Silverberg
Stinson
Tapper
Vesich
Vick

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 25. Unenumerated Rights

Section 25. The enumeration in this constitution of certain rights shall not be construed to deny or disparage other rights retained by the individual citizens of the state.

Read.

Delegate Jack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 12 through 15, both inclusive in their entirety and insert in lieu thereof the following:

"Section 25. Rights of People Preserved

Section 25. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed."

Delegate Jack moved the adoption of the amendment.

Delegate A. Jackson objected.

By a vote of 46 yeas and 69 nays the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which

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the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

PASSAGE

Committee Proposal No. 25, Section 25, was read.

Delegate Roy moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Perkins
Aertker	Gauthier	Planchar
Alario	Ginn	Pugh
Arnette	Goldman	Rachal
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Robinson
Bel	Hayes	Roemer
Bergeron	Heine	Roy
Berry	Hernandez	Schmitt
Blair	Jackson, A.	Singletary
Bollinger	Jackson, J.	Slay
Brien	Jenkins	Smith
Burns	Juneau	Soniat
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilpatrick	Stovall
Casey	Lambert	Sutherland
Champagne	Landry, A.	Tapper
Chatelain	Landry, E. J.	Tate
Comar	Lanier	Thistlethwaite
Conino	LeBleu	Thompson
Conroy	Leithman	Tobias
Corne	Lennox	Ullo
Cowen	McDaniel	Velazquez
D'Gerolamo	Martin	Vesich
De Blieux	Mauberret	Wall
Dennery	Miller	Warren
Dennis	Mire	Weiss
Deshotels	Munson	Winchester
Dunlap	Newton	Wisham
Duval	Nunez	Womack
Elkins	O'Neill	Zervigon
Flory	Ourso	
Fontenot	Perez	
Total—103.		

NAYS

Delegates—		
Abraham	Fowler	Stinson
Anzalone	Jack	Toomy
Derbes	Kilbourne	Wattigny
Drew	Landrum	Willis
Fayard	Sandoz	
Total—14.		

ABSENT

Delegates—		
Alexander	Hardee	Segura
Brown	Haynes	Shannon
Chehardy	Leigh	Silverberg
Edwards	Lowe	Toca
Giarrusso	Riecke	Vick
Total—15.		

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates E. J. Landry, Landrum, Riecke, J. Jackson, Planchar, Juneau, Kilpatrick, Velazquez,

Bergeron, Comar, Gauthier, De Blieux, Miller, Asseff, Schmitt, Bel, Stovall, Warren, Berry, Burson, Tobias, Gravel, Flory, Pugh, Champagne, Derbes, Dennery, Rachal, Willis, Bollinger, and Alario to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 3 and 4, insert the following:

"Section 22.1. Right to Compensation

Section 22.1. The legislature shall provide for adequate compensation for persons imprisoned for crimes which they are proven subsequently not to have committed."

On motion of Delegate Warren the Amendment was withdrawn.

Delegate Hayes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hayes to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 15 and 16, insert the following:

"Section 26. Prohibited Penalties

Section 26. No penalty, other than that provided by laws, shall apply to any conviction for an offense."

Delegate Hayes moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Avant	Jenkins	Schmitt
Chatelain	Kilpatrick	Soniat
Conino	Landrum	Stinson
Edwards	Lanier	Stovall
Fayard	LeBleu	Tapper
Flory	Miller	Ullo
Gravel	Ourso	Velazquez
Hayes	Rachal	Wall
Heine	Reeves	Wisham
Jackson, A.	Robinson	
Jackson, J.	Roy	
Total—31.		

NAYS

Delegates—		
Abraham	Drew	Munson
Alario	Dunlap	Newton
Anzalone	Duval	O'Neill
Arnette	Elkins	Perkins
Asseff	Fontenot	Planchar
Badeaux	Fowler	Rayburn
Bel	Gauthier	Roemer
Bergeron	Goldman	Sandoz
Berry	Grier	Singletary
Blair	Guarisco	Slay
Brien	Hardee	Smith
Brown	Hernandez	Stagg
Burns	Jack	Sutherland
Burson	Juneau	Tate
Cannon	Kean	Thistlethwaite
Carmouche	Kilbourne	Thompson
Casey	Landry, A.	Tobias
Champagne	Landry, E. J.	Toca
Conroy	Leithman	Toomy
Corne	Lennox	Wattigny
Cowen	Lowe	Weiss
D'Gerolamo	McDaniel	Willis
De Blieux	Martin	Winchester
Dennery	Mauberret	Womack
Derbes	Mire	Zervigon
Deshotels		
Total—76.		

ABSENT

Delegates—		
Mr. Chairman	Ginn	Segura
Aertker	Haynes	Shannon
Alexander	Kelly	Silverberg
Bollinger	Lambert	Stephenson
Chehardy	Leigh	Vesich
Comar	Nunez	Vick
Dennis	Perez	Warren
Fulco	Pugh	
Giarrusso	Riecke	
Total—25.		

The amendment having failed to receive a majority vote of the total membership of the Convention, required to pass a Section to a Committee Proposal, failed to pass.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brien sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brien to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, add the following section:

"Section 26. Consumer Education and Information Councils

Section 26. The legislature shall create consumer education and information councils, which shall provide consumer representation for the interest of consumers throughout the state in hearings before any board, commission, department, or agency of the state or any political subdivision thereof and which shall exercise such other powers and duties as are fixed by law."

Delegate Brien moved the adoption of the amendment.

Delegate Goldman objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Gravel	Roy
Avant	Heine	Schmitt
Badeaux	Jackson, A.	Soniat
Berry	Jackson, J.	Stephenson
Brien	Landrum	Stovall
Brown	Landry, E. J.	Sutherland
Corne	Lanier	Tapper
D'Gerolamo	Leithman	Thompson
De Blieux	Mauberrret	Tobias
Dennery	Miller	Toca
Derbes	Ourso	Velazquez
Deshotels	Perez	Wall
Elkins	Perkins	Warren
Fayard	Pugh	Weiss
Flory	Rachal	Winchester
Fulco	Reeves	Wisham
Ginn	Roemer	
Total—50.		

NAYS

Delegates—		
Abraham	Burns	Conroy
Anzalone	Burson	Cowen
Arnette	Cannon	Dennis
Asseff	Carmouche	Drew
Bel	Casey	Dunlap
Bergeron	Champagne	Duval
Blair	Chatelain	Edwards
Bollinger	Conino	Fontenot

Fowler	Landry, A.	Slay
Gauthier	LeBleu	Smith
Goldman	Lennox	Stagg
Grier	Lowe	Stinson
Guarisco	McDaniel	Tate
Hardee	Martin	Thistlethwaite
Hayes	Mire	Toomy
Hernandez	Munson	Uilo
Jack	Newton	Wattigny
Jenkins	O'Neill	Willis
Juneau	Planchard	Womack
Kean	Rayburn	Zervigon
Kilbourne	Sandoz	
Kilpatrick	Singletary	
Total—64.		

ABSENT

Delegates—		
Mr. Chairman	Haynes	Robinson
Aertker	Kelly	Segura
Alexander	Lambert	Shannon
Chehardy	Leigh	Silverberg
Comar	Nunez	Vesich
Giarrusso	Riecke	Vick
Total—18.		

The amendment having failed to receive a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Goldman moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 15 and 16 insert the following section:

"Section 26. Powers not Specifically Granted
Section 26. All powers not specifically granted to government by this constitution are reserved to the people, and government has no implied or inherent powers."

Delegate Avant moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Avant	Ginn	O'Neill
Brien	Jenkins	Pugh
Deshotels	Kilbourne	Stinson
Elkins	McDaniel	Stovall
Flory	Newton	
Total—14.		

NAYS

Delegates—		
Abraham	Casey	Edwards
Alario	Champagne	Fayard
Anzalone	Chatelain	Fontenot
Arnette	Comar	Fowler
Asseff	Conino	Fulco
Badeaux	Conroy	Gauthier
Bel	Corne	Goldman
Bergeron	Cowen	Gravel
Berry	D'Gerolamo	Grier
Blair	De Blieux	Guarisco
Bollinger	Dennery	Hardee
Brown	Dennis	Heine
Burns	Derbes	Hernandez
Burson	Drew	Jack
Cannon	Dunlap	Jackson, A.
Carmouche	Duval	Jackson, J.

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Juneau	Perez	Sutherland
Kean	Perkins	Tapper
Kelly	Planchard	Tate
Kilpatrick	Rachal	Thistlethwaite
Landrum	Rayburn	Thompson
Landry, A.	Reeves	Tobias
Landry, E. J.	Robinson	Toca
Lanier	Roemer	Toomy
LeBleu	Roy	Ullo
Leithman	Sandoz	Velazquez
Lennox	Schmitt	Wattigny
Lowe	Singletary	Weiss
Mauberret	Slay	Willis
Miller	Smith	Winchester
Mire	Soniat	Wisham
Munson	Stagg	Womack
Ourso	Stephenson	Zervigon
Total—99.		

ABSENT

Delegates—	Lambert	Silverberg
Mr. Chairman	Leigh	Vesich
Aertker	Martin	Vick
Alexander	Nunez	Wall
Chehardy	Riecke	Warren
Giarrusso	Segura	
Hayes	Shannon	
Haynes		
Total—19.		

The amendment having failed to receive a majority vote of the membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 15 and 26, insert the following: "Section 26.1. Right to Property

Section 26.1. Except as otherwise provided by this constitution, private property shall not be taken or damaged except for a necessary public purpose and unless just and adequate compensation is paid. The right to trial by jury to determine such compensation shall not be denied."

Point of Order

Delegate Conroy suggested that the amendment contained the same subject matter contained in Committee Proposal No. 25, Section 4, and was therefore out of order at this time and asked a Ruling from the Chair.

Ruling of the Chair

The Chair ruled that the amendment was out of order at this time.

Motion

Delegate Tobias moved for a suspension of the rules in order to call from the table the Motion to reconsider the vote by which Committee Proposal No. 25, Section 4, was tabled.

Delegate Avant objected.

By a vote of 71 yeas and 39 nays the rules were suspended.

Motion

Delegate Tobias moved to reconsider the vote by which

Committee Proposal No. 25, Section 4, was passed on August 30, 1973.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Drew	Rachal
Mr. Chairman	Duval	Rayburn
Abraham	Edwards	Sandoz
Alario	Fayard	Schmitt
Anzalone	Fowler	Singletary
Arnette	Gauthier	Slay
Badeaux	Grier	Stagg
Bel	Heine	Stovall
Berry	Juneau	Sutherland
Blair	Kean	Tapper
Burns	Kilbourne	Tate
Burson	Landry, A.	Thistlethwaite
Cannon	Lanier	Thompson
Carmouche	Leithman	Tobias
Casey	Lennox	Toca
Champagne	Martin	Toomy
Chatelain	Mauberret	Velazquez
Comar	Miller	Vesich
Conino	Mire	Wattigny
Corne	Munson	Willis
D'Gerolamo	Ourso	Winchester
Dennerly	Perez	Womack
Dennis	Perkins	Zervigon
Derbes	Planchard	
Deshotels		
Total—71.		

NAYS

Delegates—	Goldman	McDaniel
Asseff	Gravel	Newton
Avant	Guarisco	O'Neill
Bergeron	Hardee	Robinson
Bollinger	Hayes	Roemer
Brien	Hernandez	Roy
Brown	Jack	Smith
Conroy	Jackson, A.	Soniat
Cowen	Jackson, J.	Stephenson
De Blieux	Jenkins	Stinson
Dunlap	Kelly	Ullo
Elkins	Kilpatrick	Warren
Flory	Landry, E. J.	Weiss
Fontenot	LeBleu	Wisham
Fulco	Lowe	Pugh
Ginn		
Total—45.		

ABSENT

Delegates—	Landrum	Shannon
Aertker	Leigh	Silverberg
Alexander	Nunez	Vick
Chehardy	Reeves	Wall
Giarrusso	Riecke	
Haynes	Segura	
Lambert		
Total—16.		

And the vote by which Committee Proposal No 25, Section 4 was passed, was reconsidered.

Delegate Tobias sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, strike out lines 3 through 29 both inclusive including all Floor Amendments thereto and Floor Amendment No. 1 proposed by Mr. Perez and adopted by the Convention on August 30, 1973, which added language between lines 29 and 30

"Section 4. Right to Property

Section 4. Except as otherwise provided by this constitu-

tion, private property shall not be taken or damaged except for a necessary public purpose and unless just and adequate compensation is paid. The right to trial by jury to determine such compensation shall not be denied."

Delegate Tobias moved the adoption of the amendment.

Delegate A. Jackson objected.

By a vote of 41 yeas and 71 nays the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Jenkins, Heine, Chatelain, Burson and A. Jackson to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 13 through 29, and strike out Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on August 30, 1973, which added language on page 2, between lines 29 and 30 both inclusive and all floor amendments thereto in their entirety and insert in lieu thereof the following:

"Section 4. Right to Property

Section 4. Every person has the right to acquire, control, own, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner and, in such proceedings, the issue of whether the purpose is public and necessary shall be a judicial question. In all expropriations, any party shall have the right to trial by jury to determine compensation and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, except that municipalities may expropriate utilities within their jurisdiction. Personal effects, other than contraband, shall never be taken. The provisions of this Section shall not apply to appropriation of property necessary for levee and levee drainage purposes."

Delegate Lanier moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 82 yeas and 26 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate O'Neill moved the previous question on the Section.

Delegate Tate objected.

By a vote of 18 yeas and 85 nays the Convention refused to order the previous question.

Delegate Tate sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tate to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 13 through 29, both inclusive and all floor amendments thereto in their entirety and insert in lieu thereof the following:

"Section 4. Right to Property

Section 4. Private property shall not be taken or damaged except for a public purpose and unless just and adequate compensation is paid."

AMENDMENT No. 2—

On page 2, between lines 29 and 30 delete Floor Amendment No. 1 proposed by Delegate Perez and adopted by the Convention on August 30, 1973

Delegate Tate moved the adoption of the amendments.

Delegate Chatelain objected.

By a vote of 38 yeas and 61 nays the amendments were rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 13, in Floor Amendment No. 1 proposed by Delegates Lanier, et al. and adopted by the Convention on September 13, 1973 on line 23, immediately after the word and punctuation "taken," delete the remainder of the line and delete lines 24 and 25 in their entirety

On motion of Delegate Guarisco the amendment was withdrawn.

Passage

Committee Proposal No. 25, Section 4, was read, as amended.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Landry, E. J.
Alario	Duval	Lanier
Anzalone	Elkins	LeBleu
Asseff	Fayard	Leithman
Avant	Flory	Lennox
Badeaux	Fontenot	Lowe
Bel	Fulco	McDaniel
Bergeron	Gauthier	Mauberet
Berry	Goldman	Mire
Blair	Gravel	O'Neill
Bollinger	Grier	Perez
Brien	Guarisco	Planchard
Brown	Hardee	Pugh
Burns	Hayes	Rachal
Burson	Heine	Rayburn
Cannon	Hernandez	Reeves
Chatelain	Jack	Robinson
Comar	Jackson, A.	Roy
Conino	Jackson, J.	Schmitt
Conroy	Jenkins	Slay
Cowen	Juneau	Smith
D'Gerolamo	Kelly	Soniat
De Blieux	Kilpatrick	Stagg
Dennery	Landrum	Stinson

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Tapper
Thistlethwaite
Thompson
Toca
Toomy
Total—85.

Ullo
Vesich
Warren
Wattigny
Weiss

Willis
Winchester
Wisham

NAYS

Delegates—
Arnette
Carmouche
Casey
Champagne
Corne
Dennis
Derbes
Drew
Total—22.

Fowler
Kean
Kilbourne
Newton
Perkins
Roemer
Sandoz
Singletary

Stovall
Sutherland
Tate
Tobias
Velazquez
Zervigon

ABSENT

Delegates—
Mr. Chairman
Aertker
Alexander
Chehardy
Deshotels
Edwards
Giarrusso
Ginn
Haynes
Total—25.

Lambert
Landry, A.
Leigh
Martin
Miller
Munson
Nunez
Ourso
Riecke

Segura
Shannon
Silverberg
Stephenson
Vick
Wall
Womack

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and to lay the motion to reconsider on the table.

Delegate De Blieux objected to tabling the motion to reconsider.

By a vote of 76 yeas and 32 nays the motion to reconsider was tabled.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel and Berry to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 15 and 16, insert the following:

"Section 26. Freedom from Discrimination

Section 26. In access to public areas, accommodations, and facilities every person shall have the right to be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition."

Delegate Gravel moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Anzalone
Avant
Badeaux
Bel
Berry
Blair

Bollinger
Brien
Brown
Burns
Burson
Carmouche
Casey
Champagne

Chatelain
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennery

Dennis
Derbes
Duval
Fayard
Flory
Fontenot
Fowler
Fulco
Gauthier
Goldman
Gravel
Guarisco
Hardee
Hayes
Heine
Jack
Jackson, A.
Jackson, J.
Juneau
Total—79.

Kean
Kelly
Landrum
Landry, E. J.
Lanier
Lennox
Lowe
Mauberret
Newton
Perkins
Pugh
Rachal
Rayburn
Robinson
Roemer
Roy
Sandoz
Schmitt
Singletary

Slay
Smith
Stagg
Stovall
Tate
Thistlethwaite
Thompson
Tobias
Toca
Ullo
Velazquez
Vesich
Warren
Weiss
Willis
Winchester
Zervigon

NAYS

Delegates—
Asseff
Bergeron
Drew
Dunlap
Elkins
Grier
Total—16.

Jenkins
Kilbourne
McDaniel
O'Neill
Perez
Planchard

Soniat
Stephenson
Stinson
Sutherland

ABSENT

Delegates—
Aertker
Alario
Alexander
Arnette
Cannon
Chehardy
Comar
Deshotels
Edwards
Giarrusso
Ginn
Haynes
Hernandez
Total—37.

Kilpatrick
Lambert
Landry, A.
LeBleu
Leigh
Leithman
Martin
Miller
Mire
Munson
Nunez
Ourso
Reeves

Riecke
Segura
Shannon
Silverberg
Tapper
Toomy
Vick
Wall
Wattigny
Wisham
Womack

The amendment having received a majority vote of the total membership of the Convention, necessary to pass a Section to a Proposal, was passed.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16 add the following at the end of the language added by Floor Amendment No. 1 proposed by Mr. Gravel, et al, and adopted by the Convention on September 13, 1973.

"Nothing herein shall be construed to impair freedom of association."

Delegate Jenkins moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Anzalone
Arnette

Asseff
Berry

Blair
Bollinger

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Cannon	Jack	Slay
Carmouche	Jenkins	Smith
Conroy	Juneau	Stephenson
Corne	Kean	Stinson
Drew	Kilbourne	Sutherland
Dunlap	Lanier	Tapper
Duval	LeBleu	Thistlethwaite
Elkins	Lennox	Toomy
Fayard	Lowe	Ullo
Fontenot	McDaniel	Vesich
Fowler	O'Neill	Wattigny
Grier	Perez	Weiss
Guarisco	Rayburn	Willis
Heine	Roy	Winchester
Hernandez	Singletary	
Total—50.		

NAYS

Delegates—		
Mr. Chairman	Dennis	Perkins
Abraham	Derbes	Planchard
Avant	Flory	Pugh
Badeaux	Fulco	Rachal
Bel	Gauthier	Roemer
Bergeron	Ginn	Sandoz
Brien	Goldman	Schmitt
Brown	Gravel	Soniat
Burns	Hardee	Stagg
Burson	Hayes	Stovall
Casey	Jackson, A.	Tate
Champagne	Jackson, J.	Thompson
Chatelain	Kelly	Tobias
Conino	Kilpatrick	Toca
Cowen	Landrum	Velazquez
D'Gerolamo	Landry, E. J.	Warren
De Blieux	Mauberrret	Zervigon
Denney	Newton	
Total—53.		

ABSENT

Delegates—		
Aertker	Landry, A.	Riecke
Alario	Leigh	Robinson
Alexander	Leithman	Segura
Chehardy	Martin	Shannon
Comar	Miller	Silverberg
Deshotels	Mire	Vick
Edwards	Munson	Wall
Giarrusso	Nunez	Wisham
Haynes	Ourso	Womack
Lambert	Reeves	
Total—29.		

And the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 25, Section 26, was read.

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Cowen
Abraham	Brien	D'Gerolamo
Anzalone	Brown	De Blieux
Arnette	Burns	Denney
Asseff	Burson	Dennis
Avant	Casey	Derbes
Badeaux	Champagne	Duval
Bel	Chatelain	Fayard
Bergeron	Conino	Flory
Berry	Conroy	Fowler
Blair	Corne	Fulco

Gauthier	Lennox	Stovall
Ginn	Lowe	Sutherland
Goldman	Mauberrret	Tapper
Gravel	Newton	Tate
Grier	Perkins	Thompson
Guarisco	Planchard	Tobias
Hardee	Pugh	Toca
Hayes	Rachal	Toomy
Hernandez	Rayburn	Ullo
Jack	Roemer	Velazquez
Jackson, A.	Roy	Vesich
Jackson, J.	Sandoz	Warren
Juneau	Schmitt	Wattigny
Kean	Singletary	Weiss
Kelly	Slay	Willis
Kilpatrick	Smith	Winchester
Landrum	Soniat	Zervigon
Landry, E. J.	Stagg	
Lanier	Stephenson	
Total—88.		

NAYS

Delegates—		
Cannon	Fontenot	McDaniel
Carmouche	Heine	Perez
Drew	Jenkins	O'Neill
Dunlap	Kilbourne	Stinson
Elkins	LeBleu	Thistlethwaite
Total—15.		

ABSENT

Delegates—		
Aertker	Landry, A.	Riecke
Alario	Leigh	Robinson
Alexander	Leithman	Segura
Chehardy	Martin	Shannon
Comar	Miller	Silverberg
Deshotels	Mire	Vick
Edwards	Munson	Wall
Giarrusso	Nunez	Wisham
Haynes	Ourso	Womack
Lambert	Reeves	
Total—29.		

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Warren and Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 3 and 4, insert the following:

"Section 22.1 Right to Compensation

Section 22.1 The legislature shall provide for adequate compensation for persons convicted and imprisoned for crimes which they are proven subsequently not to have committed provided the person did not by perjury contribute to his own conviction."

Motion

Delegate Roy moved the previous question on the amendment.

Delegate Stovall objected.

By a vote of 41 yeas and 52 nays the Convention refused to order the previous question.

Delegate Warren moved the adoption of the amendment.

Delegate Fontenot objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—

Alario	Derbes
Asseff	Dunlap
Badeaux	Elkins
Bel	Flory
Bergeron	Gauthier
Berry	Goldman
Blair	Gravel
Brien	Hardee
Brown	Hayes
Champagne	Jack
Chatelain	Jackson, A.
Comar	Jackson, J.
Conino	Jenkins
Corne	Kilpatrick
D'Gerolamo	Landrum
De Blieux	Landry, E. J.
Dennery	
Total—49.	

NAYS

Delegates—

Abraham	Ginn
Anzalone	Grier
Arnette	Guarisco
Avant	Hernandez
Bollinger	Juneau
Burson	Kean
Cannon	Kelly
Carmouche	Kilbourne
Casey	Lanier
Conroy	LeBleu
Cowen	Leithman
Dennis	Lennox
Drew	Lowe
Duval	McDaniel
Fayard	Newton
Fontenot	O'Neill
Fowler	Perez
Fulco	Perkins
Total—54.	

ABSENT

Delegates—

Mr. Chairman	Lambert	Robinson
Aertker	Landry, A.	Segura
Alexander	Leigh	Shannon
Burns	Martin	Silverberg
Chehardy	Mauberet	Vesich
Deshotels	Mire	Vick
Edwards	Munson	Wall
Giarrusso	Nunez	Wisham
Haynes	Ourso	Womack
Heine	Riecke	
Total—29.		

The amendment not having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, was rejected.

Delegate Lennox moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson, the Convention altered th Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Alphonse Jackson, Jr., chairman, on behalf of

the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 13, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

DELEGATE PROPOSAL No. 59—

Introduced by Delegate Haynes:

A PROPOSAL

Making provisions for freedom from discrimination.

Reported unfavorably.

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

Reported unfavorably.

Respectfully submitted,

ALPHONSE JACKSON, Jr.
Chairman.

Delegate Zervigon, chairperson, on behalf of the Committee on Legislative Liaison and Transitional Measures, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 13, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on Legislative Liaison and Transitional Measures to submit the following report:

The committee on Legislative Liaison and Transitional Measures at its meeting of September 12 elected the following officers.

Delegate Mary Zervigon Chairperson vice Delegate Edward LeBreton resigned.

Delegate Harmon Drew vice-chairman vice Delegate Zervigon.

Respectfully submitted,

MARY KELLER ZERVIGON,
Chairperson.

Leaves of Absence

Delegate Segura—3 days.

Delegate Chehardy—1 day.

Delegate Nunez—½ day.

Delegate A. Landry—September 13, 1973 after 5:00 o'clock p.m.

Delegate Burns—September 13, 1973 after 6:20 o'clock p.m.

Adjournment

Delegate Blair moved that the Convention do now adjourn until Friday, September 14, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, September 14, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
**CONSTITUTIONAL CONVENTION
OF 1973**

OF THE
STATE OF LOUISIANA

FORTY-SEVENTH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, September 14, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Flory	Ourso
Abraham	Fontenot	Perez
Aertker	Fowler	Perkins
Alario	Fulco	Planchard
Alexander	Gauthier	Pugh
Arnette	Ginn	Rachal
Asseff	Goldman	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Robinson
Bel	Guarisco	Roemer
Bergeron	Hardee	Roy
Berry	Hayes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Singletery
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Juneau	Stephenson
Carmouche	Kean	Stinson
Casey	Kelly	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Thistlethwaite
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullio
D'Gerolamo	Leigh	Velazquez
De Blieux	Leithman	Vick
Dennery	Lennox	Warren
Dennis	Lowe	Wattigny
Derbes	McDaniel	Weiss
Deshotels	Martin	Willis
Drew	Miller	Winchester
Dunlap	Mire	Wisham
Duval	Munson	Womack
Edwards	Newton	Zerzigon
Elkins	Nunez	
Fayard	O'Neill	
Total—121.		

ABSENT

Delegates—		
Anzalone	Riecke	Tate
Giarrusso	Segura	Vesich
Haynes	Shannon	Wall
Maubaret	Silverberg	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Elkins led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Cowen, the reading of the Journal
was dispensed with.

On motion of Delegate Cowen, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals
were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 59—

Introduced by Delegate Haynes:

A PROPOSAL

Making provisions for freedom from discrimination.

Read.

Reported unfavorably by the Committee on Bill of Rights
and Elections.

On motion of Delegate A. Jackson the Proposal was with-
drawn from the files of the Convention.

DELEGATE PROPOSAL No. 74—

Introduced by Delegates Gravel and Berry:

A PROPOSAL

Providing for freedom from discrimination.

Read.

Reported unfavorably by the Committee on Bill of Rights
and Elections.

On motion of Delegate A. Jackson the Proposal was with-
drawn from the files of the Convention.

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate A. Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for Committee
Proposal No. 2, by Delegate A. Jackson, Chairman, on behalf
of the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall and Weiss):

A PROPOSAL

To provide a preamble and a declaration of rights to the
constitution.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 25 when it adjourned
on Thursday, September 13, 1973, which was taken up and
acted upon as follows:

Delegate Derbes sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee
Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

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AMENDMENT No. 1—

On page 7, between lines 15 and 16, insert the following section:

"Section 27. Right to a Healthful Environment
Section 27. Consistent with the health, safety and welfare of all people, the people have a right to a healthful environment."

Delegate Derbes moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Soniat
Alario	Jack	Stovall
Alexander	Jackson, J.	Sutherland
Bergeron	Lambert	Tobias
Comar	Landrum	Toomy
Conroy	Lanier	Ullo
De Blieux	Leithman	Velazquez
Dennery	Miller	Vick
Derbes	Mire	Warren
Deshotels	Newton	Zervigon
Dunlap	Singletary	
Fontenot		
Total—32.		

NAYS

Delegates—	Flory	O'Neill
Abraham	Fowler	Ourso
Aertker	Fulco	Perez
Arnette	Goldman	Perkins
Asseff	Gravel	Planchard
Avant	Grier	Pugh
Badeaux	Guarisco	Rayburn
Bel	Hardee	Roemer
Berry	Hayes	Roy
Blair	Heine	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jackson, A.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Cannon	Kelly	Stinson
Carmouche	Kilbourne	Tapper
Casey	Kilpatrick	Thistlethwaite
Champagne	Landry, A.	Thompson
Chatelain	Landry, E. J.	Toca
Chehardy	LeBleu	Wattigny
Conino	Lennox	Weiss
Corne	Lowe	Willis
Cowen	McDaniel	Winchester
D'Gerolamo	Martin	Wisham
Drew	Munson	Womack
Duval	Nunez	
Elkins		
Total—80.		

ABSENT

Delegates—	Haynes	Segura
Mr. Chairman	Leigh	Shannon
Anzalone	Mauberret	Silverberg
Dennis	Rachal	Tate
Edwards	Reeves	Vesich
Fayard	Riecke	Wall
Giarrusso	Robinson	
Ginn		
Total—20.		

The amendment not having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Womack moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, add the following section:

"Section 26. Freedom of Association

Section 26. No law shall impair the right of each person to associate freely with others."

Delegate Jenkins moved the adoption of the amendment.

Delegate Drew objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fayard	O'Neill
Abraham	Fontenot	Ourso
Aertker	Goldman	Perez
Asseff	Gravel	Perkins
Bergeron	Guarisco	Roemer
Berry	Heine	Roy
Bollinger	Jack	Singletary
Brown	Jenkins	Slay
Cannon	Juneau	Stephenson
Carmouche	Kean	Stinson
Casey	Kilbourne	Tapper
Chehardy	Lambert	Thompson
Conino	Leigh	Toomy
Conroy	Leithman	Ullo
Corne	Lennox	Wattigny
Cowen	Lowe	Willis
Dunlap	McDaniel	Winchester
Duval	Nunez	
Elkins		
Total—53.		

NAYS

Delegates—	Gauthier	Pugh
Alario	Grier	Rayburn
Alexander	Hardee	Robinson
Arnette	Hayes	Sandoz
Avant	Hernandez	Schmitt
Badeaux	Jackson, A.	Smith
Bel	Jackson, J.	Soniat
Blair	Kelly	Stagg
Brien	Kilpatrick	Stovall
Burns	Landrum	Sutherland
Burson	Landry, A.	Thistlewaite
Champagne	Landry, E. J.	Tobias
Chatelain	Lanier	Toca
D'Gerolamo	LeBleu	Velazquez
De Blieux	Martin	Vick
Dennis	Miller	Weiss
Deshotels	Mire	Wisham
Drew	Munson	Womack
Flory	Newton	Zervigon
Fowler	Planchard	
Fulco		
Total—59.		

ABSENT

Delegates—	Ginn	Shannon
Mr. Chairman	Haynes	Silverberg
Anzalone	Mauberret	Tate
Comar	Rachal	Vesich
Dennery	Reeves	Wall
Derbes	Riecke	Warren
Edwards	Segura	
Giarrusso		
Total—20.		

The amendment not having received a majority vote of

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the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Drew moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Goldman sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Goldman to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, add the following section:

"Section 27. Trial by Jury in Civil Cases

Section 27. The right to trial by jury shall not be abridged in civil cases; however, the legislature may provide for exceptions to this right of trial by jury by a two-thirds vote of the elected members of each house of the legislature. Determination of facts by an administrative body shall be subject to review."

Point of Order

Delegate Tobias suggested that the contents of the amendment were the same as those contained in Committee Proposal No. 25, Section 8, therefore out of Order and asked a ruling of the Chair.

Ruling of the Chair

The Chair ruled that the amendment was in order.

Delegate Goldman moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alexander	Guarisco	Roy
Carmouche	Hardee	Soniat
Chatelain	Jackson, A.	Stephenson
Dunlap	Jackson, J.	Stinson
Edwards	Jenkins	Vick
Fulco	LeBleu	Warren
Goldman	Newton	
Gravel	Rachal	
Total—22.		

NAYS

Delegates—

Abraham	Conroy	Kean
Aertker	Corne	Kelly
Alario	Cowen	Kilbourne
Arnette	De Blieux	Kilpatrick
Asseff	D'Gerolamo	Lambert
Avant	Dennery	Landrum
Badeaux	Dennis	Landry, A.
Bel	Deshotels	Landry, E. J.
Bergeron	Drew	Lanier
Berry	Duval	Leigh
Blair	Elkins	Leithman
Bollinger	Fayard	Lennox
Brien	Flory	Lowe
Brown	Fontenot	McDaniel
Burns	Fowler	Martin
Burson	Gauthier	Miller
Cannon	Grier	Munson
Casey	Hayes	Nunez
Champagne	Heine	O'Neill
Chehardy	Hernandez	Ourso
Comar	Jack	Perez
Conino	Juneau	Perkins

Planchard	Slay
Pugh	Smith
Rayburn	Stagg
Reeves	Stovall
Robinson	Sutherland
Roemer	Thompson
Sandoz	Tobias
Schmitt	Toca
Singletary	Toomy
Total—93.	

ABSENT

Delegates—

Mr. Chairman	Mauberret	Tapper
Anzalone	Mire	Tate
Derbes	Riecke	Thistlethwaite
Giarrusso	Segura	Vesich
Ginn	Shannon	Wall
Haynes	Silverberg	
Total—17.		

The amendment not having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Stovall moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Planchard sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone, Burson, Planchard, Aertker, Alario, Alexander, Asseff, Avant, Berry, Bollinger, Brien, Dennis, Derbes, Duval, Flory, Fontenot, Goldman, Gravel, Guarisco, Hernandez, Jack, A. Jackson, J. Jackson, Jenkins, Kelly, Landrum, E. J. Landry, Lowe, Newton, Nunez, O'Neill, Pugh, Rachal, Roy, Stephenson, Stovall, Tapper, Toca, Velazquez, Warren and Willis to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 15 and 16, insert the following:

"Section 27. Right to Preliminary Examination

Section 27. In all felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied."

Delegate Planchard moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Drew	Kilpatrick
Aertker	Dunlap	Lambert
Alario	Duval	Landrum
Alexander	Edwards	Landry, E. J.
Asseff	Elkins	LeBleu
Avant	Flory	Leithman
Badeaux	Fontenot	Lennox
Bergeron	Fowler	Lowe
Berry	Fulco	Mire
Blair	Gauthier	Munson
Bollinger	Goldman	Newton
Brien	Gravel	Nunez
Burns	Guarisco	O'Neill
Burson	Hardee	Ourso
Cannon	Hayes	Perez
Chatelain	Heine	Perkins
Chehardy	Hernandez	Planchard
Comar	Jack	Pugh
Conroy	Jackson, A.	Rachal
Corne	Jackson, J.	Rayburn
D'Gerolamo	Jenkins	Robinson
De Blieux	Juneau	Roemer
Dennery	Kean	Roy
Dennis	Kelly	Sandoz
Derbes	Kilbourne	Schmitt

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Singletary	Stovall	Warren
Slay	Tapper	Weiss
Smith	Thompson	Willis
Soniat	Tobias	Winchester
Stagg	Toca	Wisham
Stephenson	Ullo	Womack
Stinson	Velazquez	Zervigon
Total—96.		

NAYS

Delegates—	Deshotels	McDaniel
Arnette	Fayard	Martin
Bel	Grier	Miller
Carmouche	Landry, A.	Reeves
Casey	Lanier	Sutherland
Champagne	Leigh	Toomy
Conino		
Total—18.		

ABSENT

Delegates—	Haynes	Tate
Mr. Chairman	Maubert	Thistlethwaite
Anzalone	Riecke	Vesich
Brown	Segura	Vick
Cowen	Shannon	Wall
Giarrusso	Silverberg	Wattigny
Ginn		
Total—18.		

The amendment having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, was passed.

Delegate Planchard moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh and Gravel to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, add the following:

"Section 26. Trial by Jury in Civil Cases

Section 26. The right to trial by jury shall not be abridged in civil cases; however, except in those instances where the right to trial by jury is guaranteed by this constitution, the legislature may provide for exceptions to this right of trial by jury.

AMENDMENT No. 2—

On page 7, at the end of the language added by Floor Amendment No. 1 hereof, add the following:

"Determination of facts by an administrative body shall be subject to review as provided by law."

On motion of Delegate Pugh a division of the question was ordered.

Point of Order

Delegate Dennery suggested that the subject matter contained in amendment No. 2 was previously considered and rejected and therefore out of order.

Ruling of the Chair

The Chair ruled that Amendment No. 2 was in order at this time.

Delegate Pugh moved the adoption of Amendment No. 1.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gravel	Roy
Aertker	Guarisco	Singletary
Alexander	Jackson, A.	Slay
Avant	Jackson, J.	Soniat
Bel	Jenkins	Stagg
Bergeron	Lambert	Stephenson
Berry	Landrum	Stinson
Brien	Landry, E. J.	Stovall
Brown	Leithman	Thompson
Carmouche	Mire	Toca
Chehardy	Munson	Velazquez
Comar	Newton	Vick
De Blieux	O'Neill	Warren
Dunlap	Planchard	Willis
Edwards	Pugh	Wisham
Flory	Rachal	Womack
Fulco	Roemer	Zervigon
Goldman		
Total—51.		

NAYS

Delegates—	Drew	Leigh
Abraham	Duval	Lennox
Alario	Elkins	Lowe
Arnette	Fayard	McDaniel
Asseff	Fontenot	Martin
Badeaux	Fowler	Nunez
Bollinger	Gauthier	Perez
Burns	Grier	Perkins
Burson	Hardee	Rayburn
Cannon	Hayes	Reeves
Casey	Heine	Robinson
Champagne	Hernandez	Sandoz
Chatelain	Jack	Smith
Conino	Juneau	Sutherland
Conroy	Kean	Tobias
Corne	Kelly	Toomy
Cowen	Kilbourne	Ullo
Dennery	Kilpatrick	Wattigny
Dennis	Landry, A.	Weiss
Derbes	Lanier	Winchester
Deshotels		
Total—60.		

ABSENT

Delegates—	LeBleu	Shannon
Mr. Chairman	Maubert	Silverberg
Anzalone	Miller	Tapper
Blair	Ourso	Tate
D'Gerolamo	Riecke	Thistlethwaite
Giarrusso	Schmitt	Vesich
Ginn	Segura	Wall
Haynes		
Total—21.		

The amendment not having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal.

Delegate Champagne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

On motion of Delegate Pugh Amendment No. 2 was withdrawn.

Passage

Committee Proposal No. 25, Section 27, was read.

Delegate Planchard moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Avant	Brien
Mr. Chairman	Badeaux	Brown
Abraham	Bel	Burns
Aertker	Bergeron	Burson
Alario	Berry	Cannon
Arnette	Bollinger	Casey
Asseff		

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Champagne	Hernandez	Reeves
Chatelain	Jack	Robinson
Chehardy	Jackson, A.	Roemer
Comar	Jackson, J.	Roy
Conino	Jenkins	Sandoz
Conroy	Juneau	Schmitt
Corne	Kean	Singletary
Cowen	Kelly	Slay
D'Gerolamo	Kilbourne	Smith
De Blieux	Kilpatrick	Soniat
Dennery	Lambert	Stagg
Dennis	Landry, E. J.	Stephenson
Derbes	LeBleu	Stinson
Drew	Leigh	Stovall
Dunlap	Leithman	Tapper
Duval	Lennox	Thompson
Edwards	Lowe	Tobias
Flory	Mire	Ullo
Fontenot	Munson	Velazquez
Fowler	Newton	Vick
Fulco	Nunez	Warren
Gauthier	O'Neill	Wattigny
Goldman	Ourso	Willis
Gravel	Perez	Winchester
Guarisco	Perkins	Wisham
Hardee	Planchard	Zervigon
Hayes	Pugh	
Heine	Rachal	
Total—100.		

NAYS

Delegates—	Grier	McDaniel
Carmouche	Landry, A.	Martin
Deshotels	Lanier	Toomy
Elkins		
Fayard		
Total—10.		

ABSENT

Delegates—	Miller	Tate
Alexander	Rayburn	Thistlethwaite
Anzalone	Riecke	Toca
Blair	Segura	Vesich
Giarrusso	Shannon	Wall
Ginn	Silverberg	Weiss
Haynes	Sutherland	Womack
Landrum		
Mauberet		
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Chehardy moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 25 by Delegate Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, add the following:

"Section 26. Trial by Jury in Civil Cases

Section 26. There shall be a right to trial by jury in civil cases. Except where the right to trial by jury is guaranteed by this constitution, however, the legislature may provide for exceptions to this right.

AMENDMENT No. 2—

On page 7, at the end the language added by Floor Amendment No. 1 hereof add the following:

"Determination of facts by an administrative body or by the jury shall be subject to review.

Delegate Gravel moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Planchard
Aertker	Goldman	Rachal
Alexander	Gravel	Rayburn
Avant	Guarisco	Roy
Bergeron	Hernandez	Schmitt
Berry	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Soniat
Carmouche	Juneau	Stephenson
Chatelain	Kean	Stinson
Chehardy	Kilpatrick	Stovall
Comar	Lambert	Thompson
Corne	Landry, E. J.	Toca
Cowen	Leithman	Velazquez
D'Gerolamo	Lowe	Vick
De Blieux	Munson	Warren
Dunlap	Newton	Willis
Edwards	O'Neill	Wisham
Fayard		
Flory		
Total—55.		

NAYS

Delegates—	Deshotels	Nunez
Abraham	Drew	Perez
Alario	Duval	Perkins
Arnette	Elkins	Pugh
Asseff	Fowler	Reeves
Badeaux	Fulco	Robinson
Bel	Gauthier	Roemer
Blair	Grier	Sandoz
Bollinger	Hayes	Smith
Burns	Heine	Sutherland
Burson	Jack	Tobias
Cannon	Kelly	Toomy
Casey	Kilbourne	Ullo
Champagne	Landry, A.	Wattigny
Conino	Lanier	Weiss
Conroy	Leigh	Winchester
Dennery	Lennox	Zervigon
Dennis		
Derbes		
Total—52.		

ABSENT

Delegates—	Martin	Silverberg
Mr. Chairman	Mauberet	Stagg
Anzalone	Miller	Tapper
Giarrusso	Mire	Tate
Ginn	Ourso	Thistlethwaite
Hardee	Riecke	Vesich
Haynes	Segura	Wall
Landrum	Shannon	Womack
LeBleu		
McDaniel		
Total—25.		

The amendment not having received a majority of the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Arnette moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Warren, Jack, Velazquez, and Rayburn to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 3 and 4, insert the following:

"Section 22.1. Right to Compensation

Section 22.1. The legislature shall provide a method for

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adequate compensation for persons convicted and imprisoned for crimes which they are proven subsequently not to have committed provided the person did not by perjury contribute to his own conviction."

Point of Order

Delegate Arnette raised a point of order, and sought a ruling of the Chair as to whether the amendments were out of order, as having been previously considered.

Ruling of the Chair

The Chair declined to rule the amendment out of order at this time, and put the question to the Convention under the rules.

The question was put to declare the amendments to be in order.

By a vote of 47 yeas and 59 nays, the Convention determined the amendments to be out of order.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Warren and Jack to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 3 and 4, insert the following:

"Section 22.1 Right to Compensation

Section 22.1 The legislature shall provide for adequate compensation for persons convicted and imprisoned for crimes which they are proven subsequently not to have committed provided the person did not by perjury contribute to his own conviction."

Point of Order

Delegate Arnette raised a point of order, and sought a ruling of the Chair as to whether the amendment was out of order, as having been previously considered.

Ruling of the Chair

And the Chair ruled the amendment out of order, as the indential amendment was considered on the prior Convention day.

Motion

Delegate Thompson moved the previous question on the entire subject matter.

Delegate Kilbourne objected.

By a vote of 49 yeas and 62 nays and the Convention refused to order the previous question on the entire subject matter.

Delegate Velazquez sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Velazquez to Committee Proposal No. 25 by Delegate A. Jackson, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 3 and 4, insert the following:

"Section 22.1. Right of Victims of Compensation

Section 22.1. The legislature shall provide adequate compensation for victims of felonies and for persons convicted and imprisoned for crimes which they are proven subsequently not to have committed, provided that such person did not by perjury contribute to his own conviction."

On motion of Delegate Velazquez the amendment was withdrawn.

Motion

Delegate Kilbourne moved for a suspension of the rules in order to call from the table the motion to reconsider the vote by which Committee Proposal No. 25, Section 12, was passed.

Delegate Avant objected.

By a vote of 44 yeas and 64 nays the Convention refused to suspend the rules at this time.

The Proposal was read, as amended.

Delegate A. Jackson moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Alexander
Arnette
Avant
Badeaux
Bel
Bergeron
Berry
Blair
Bollinger
Brien
Brown
Burns
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
De Blieux
D'Gerolamo
Dennerly
Dennis
Derbes

Total—89.

Dunlap
Duval
Flory
Fontenot
Fulco
Gauthier
Goldman
Gravel
Grier
Guarisco
Hardee
Hayes
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kelly
Kilpatrick
Lambert
Landry, E. J.
Lanier
Leithman
Lennox
Lowe
Miller
Mire
Munson
Newton
O'Neill

Planchard
Pugh
Rachal
Rayburn
Reeves
Robinson
Roemer
Roy
Schmitt
Singletary
Slay
Smith
Soniat
Stagg
Stephenson
Stinson
Stovall
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vick
Warren
Weiss
Winchester
Wisham
Zerzigon

NAYS

Delegates—

Asseff
Burson
Cannon
Carmouche
Deshotels
Drew
Edwards
Elkins
Fayard
Fowler

Total—28.

Heine
Hernandez
Kean
Kilbourne
Landrum
Landry, A.
Leigh
McDaniel
Martin

Nunez
Perez
Perkins
Sandoz
Sutherland
Thistlethwaite
Wattigny
Willis
Womack

ABSENT

Delegates—

Anzalone
Giarrusso
Ginn
Haynes
LeBleu

Total—15.

Mauberret
Ourso
Riecke
Segura
Shannon

Silverberg
Tapper
Tate
Vesich
Wall

And the Chair declared that the above Proposal was finally passed.

Motion

Delegate Chatelain moved that the Convention work on Saturday September 15, 1973 and adjourn until Wednesday, September 19, 1973, at 9:00 o'clock P.M.

As a substitute Delegate Fulco moved that the Convention

work through Saturday, September 15, 1973 and adjourn until Wednesday, September 19, 1973, at 1:00 o'clock P.M.

The vote recurred on the substitute motion.

By a vote of 34 yeas and 72 nays the Convention refused to adjourn until Wednesday, September 19, 1973 at 1:00 o'clock P.M.

As a further substitute Delegate Nunez moved that when the Convention adjourned today it do so until Tuesday, September 18, at 1:00 o'clock P.M.

The vote recurred on the substitute motion.

By a vote of 20 yeas and 87 nays the Convention refused to adjourn until Tuesday, September 18, 1973 at 1:00 o'clock P.M.

Delegate Chatelain insisted upon his original motion.

By a vote of 88 yeas and 21 nays the Convention agreed to work Saturday, September 15, 1973, and adjourn until Wednesday, September 19, 1973, at 9:00 o'clock A.M.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Tom Stagg, chairman, on behalf of the Committee on the Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 14, 1973, Baton Rouge, La.

To the Chairman and Delegates of the
Constitutional Convention:

I am directed by your Committee on the Executive Department to submit the following report:

COMMITTEE PROPOSAL No. 5—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto.

Reported with amendments.

COMMITTEE PROPOSAL No. 19—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions in the Schedule provisions of the Constitution for mandatory reorganization of the executive branch of state government.

Reported by substitute.

DELEGATE PROPOSAL No. 15—

Introduced by Delegate Avant:

A PROPOSAL

To provide for making appeals from the Public Service Commission.

Reported unfavorably.

DELEGATE PROPOSAL No. 19—

Introduced by Delegate Velazquez:

A PROPOSAL

To provide for the Public Service Commission and necessary provisions.

Reported unfavorably.

DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

Reported by substitute.

DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

Reported unfavorably.

Respectfully submitted,

TOM STAGG,
Chairman.

Suspension of the Rules

On motion of Delegate Stagg the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 5—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto.

Read.

Reported with the following amendments by the Committee on the Executive Department.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Executive Department to Committee Proposal No. 5 by Delegate Stagg, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 3, delete the colon ":" and add the following:

"Alexander, Asseff, Brien, Dennery, Gravel, and Stovall."

AMENDMENT No. 2—

On page 1, line 19, after the words "carrier and" and before the word "public" delete the word "other"

AMENDMENT No. 3—

On page 1, delete line 26 in its entirety, and insert in lieu thereof the following:

"owned, operated, or regulated on the effective date of this constitution by the governing"

AMENDMENT No. 4—

On page 2, delete lines 5 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(2) If a decision is not rendered within six months from the filing date of any proposed rate schedule, it shall be deemed to be tentatively approved.

(3) If such proposed schedule results in a rate increase, it may be put into effect, subject to such protective bond or security requirements as may be provided by law pending final approval, modification, or rejection. If the commission disapproves the proposed increase, in whole or in part, the carrier or utility may place or continue the schedule in effect under the bond or security, subject to any appeal and final action by a court of last resort. Refund claims therefor in the manner provided by statute shall be filed within one year after such final action.

(4) Any utility filing a proposed rate schedule shall within twenty days, give notice thereof by publication in the official state journal and in the official journal of each parish within the geographical area in which the schedule would

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become applicable. Any person affected by the proposed rate schedule may intervene.

(E) Appeals. Should the commission not render its decision within twelve months, an appeal may be taken, as if a decision had been rendered. Appeals may be taken by any party or intervenor and must be filed with the district court, within the time provided by law, at the domicile of the Public Service Commission, with a direct appeal to the Supreme Court, as a matter of right."

On motion of Delegate Stagg the amendments were adopted.

On motion of Delegate Stagg the Proposal was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 19—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions in the Schedule provisions of the Constitution for mandatory reorganization of the executive branch of state government.

Read.

Reported by substitute by the Committee on the Executive Department.

The substitute was read as follows:

COMMITTEE PROPOSAL No. 31—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on the Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Asseff, Brien, Dennery, Duval, Gravel, Stovall, and Tapper (A Substitute for Committee Proposal No. 19):

A PROPOSAL

Making provisions in the Schedule provisions of the constitution for mandatory reorganization of the executive branch of state government.

On motion of Delegate Stagg the substitute was adopted.

On motion of Delegate Stagg and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 15—

Introduced by Delegate Avant:

A PROPOSAL

To provide for making appeals from the Public Service Commission.

Read.

Reported unfavorably by the Committee on Executive Department.

On motion of Delegate Stagg the Proposal was withdrawn.

DELEGATE PROPOSAL No. 19—

Introduced by Delegate Velazquez:

A PROPOSAL

To provide for the Public Service Commission and necessary provisions.

Read.

Reported unfavorably by the Committee on Executive Department.

On motion of Delegate Stagg the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 29—

Introduced by Delegate Asseff:

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

Read.

Reported by substitute by the Committee on Executive Department.

The substitute was read as follows:

COMMITTEE PROPOSAL No. 32—

Introduced by Delegates Asseff, Abraham, Alexander, Arnette, Gravel, and Stagg (A Substitute for Delegate Proposal No. 29):

A PROPOSAL

Providing for the reorganization of the executive branch of state government.

On motion of Delegate Stagg the substitute was adopted.

On motion of Delegate Stagg, and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 68—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the Public Service Commission and necessary provisions with respect thereto in the Executive Branch of state government.

Read.

Reported unfavorably by the Committee on Executive Department.

On motion of Delegate Stagg the Proposal was withdrawn from the files of the Convention.

Leaves of Absence

Delegate Tate—2 days.
Delegate Mauberret—½ day.
Delegate Vesich—1 day.
Delegate Brown—1 day.
Delegate Riecke—1 day.
Delegate Tapper—½ day.

Adjournment

Delegate Chehardy moved that the Convention do now adjourn until Saturday, September 15, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, September 15, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973 OF THE STATE OF LOUISIANA

FORTY-EIGHTH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, September 15, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m. by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fowler	Perkins
Aertker	Fulco	Planchard
Alario	Gauthier	Pugh
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Robinson
Avant	Hardee	Roemer
Badeaux	Hayes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jack	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Brown	Jenkins	Soniati
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Cannon	Kelly	Stinson
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Champagne	Lambert	Tapper
Chatelain	Landry, A.	Thistlethwaite
Chehardy	Landry, E. J.	Thompson
Comar	Landrum	Tobias
Conino	Lanier	Toca
Conroy	LeBleu	Toomy
Corne	Leigh	Ullo
Cowen	Leithman	Velazquez
D'Gerolamo	Lennox	Vesich
De Blieux	Lowe	Vick
Dennis	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Mauberret	Weiss
Elkins	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Wisham
Edwards	Nunez	Womack
Fayard	O'Neill	Zervigon
Flory	Ourso	
Total—119.		

ABSENT

Delegates—		
Berry	Haynes	Shannon
Denberry	Miller	Silverberg
Derbes	Riecke	Tate
Giarrusso	Segura	Wall
Guarisco		
Total—13.		

The Chairman announced that there were 119 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate LeBleu led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Chatelain, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Chatelain, the Journal of yesterday
was adopted.

Morning Hour

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions
were taken up on their third reading and final passage.

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf of
the Committee on Legislative Liaison and Transitional Mea-
sures, and Delegate Henry, Chairman, on behalf of the Co-
ordinating Committee, and Delegates Aertker, Blair, Casey,
Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J.
Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson,
Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack and
Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of ma-
terial from the Louisiana Constitution of 1921.

Read.

On motion of Delegate Zervigon the resolution was adopted.

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitu-
tional Convention to provide that delegates not voting,
rather than absentees, shall be listed separately.

Read.

Delegate Zervigon moved the adoption of the Resolution.

Delegate Asseff objected.

By a vote of 94 yeas, 12 nays the Resolution was adopted.

Delegate Zervigon moved to reconsider the vote by which
the Resolution was adopted, and on her own motion, the
motion to reconsider was laid on the table.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the
Standing Rules of the Constitutional Convention to re-
quire that the recommendations of the Committee on
Style and Drafting on proposals adopted be submitted to
the substantive committee involved prior to report to the
convention.

Read.

On motion of Delegate Casey the Resolution was adopted.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

Motion

On motion of Delegate Stagg, the Convention altered the
Order of Business to take up Committee Proposal No. 22 out
of its regular order at this time.

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates Abra-

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ham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Read.

Motion

Delegate Kean moved that the Proposal be recommitted to the Committee on Executive Department.

Delegate Anzalone objected.

By a vote of 49 yeas and 59 nays the Convention refused to recommit the Proposal to the Committee on Executive Department.

Motion

Delegate O'Neill moved that the Proposal be tabled.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Grier	O'Neill
Badeaux	Hardee	Perez
Burson	Hayes	Perkins
Cannon	Heine	Robinson
Carmouche	Jenkins	Sandoz
Chehardy	Kilbourne	Smith
Conroy	Kilpatrick	Stinson
Corne	Landry, A.	Sutherland
Cowen	LeBleu	Thistlethwaite
Deshotels	Leigh	Ullo
Drew	Lowe	Velazquez
Edwards	McDaniel	Weiss
Elkins	Mauberret	Winchester
Fontenot	Nunez	
Total—41.		

NAYS

Delegates—

Abraham	Duval	Planchard
Aertker	Fayard	Rayburn
Alexander	Flory	Reeves
Anzalone	Fulco	Schmitt
Arnette	Gauthier	Singletary
Asseff	Ginn	Slay
Avant	Goldman	Soniat
Bel	Gravel	Stagg
Bergeron	Guarisco	Stephenson
Blair	Jack	Stovall
Bollinger	Jackson, A.	Tapper
Brien	Jackson, J.	Thompson
Brown	Juneau	Tobias
Burns	Kean	Toca
Casey	Lambert	Toomy
Champagne	Landrum	Vesich
Chatelain	Landry, E. J.	Warren
Comar	Lanier	Wattigny
Conino	Leithman	Willis
D'Gerolamo	Lennox	Wisham
De Blieux	Martin	Womack
Dennis	Mire	Zervigon
Dunlap	Newton	
Total—68.		

NOT VOTING

Delegates—

Mr. Chairman	Derbes	Haynes
Berry	Fowler	Hernandez
Dennery	Giarrusso	Kelly

Miller
Munson
Ourso
Pugh
Rachal

Total—23.

Riecke
Roemer
Roy
Segura
Shannon

Silverberg
Tate
Vick
Wall

And the Convention refused to table the Proposal.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section _____. (A) The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of all state employees and elected state officials.

(B) The legislature shall create a board or boards of ethics which shall investigate all allegations of violations of such a code.

On motion of Delegate Duval the amendment was withdrawn.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section _____. (A) The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of all state employees and elected state officials.

(B) The legislature shall create a board or boards of ethics which shall investigate all allegations of violations of such a code, and shall have such other powers and duties consistent herewith as may be provided by statute."

On motion of Delegate Duval the amendment was withdrawn.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate DeBlieux, Fayard, and Drew to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive in their entirety and insert in lieu thereof the following:

"Section _____. (A) The legislature shall enact a code of ethics for all officials and employees of the state.

(B) The code of ethics shall be administered by a board of ethics created by the legislature with such qualifications and terms of office and duties and powers as provided by law."

On motion of Delegate Drew the amendment was withdrawn.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates De Blieux, Fayard, Drew and Duval to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 1, delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section ____ (A) The legislature shall enact a code of ethics for all state officials and state employees.

(B) The code of ethics shall be administered by a board or boards of ethics created by the legislature with such qualifications, terms of office, duties, and powers as provided by law.

(C) The decisions of the board shall be appealable and the legislature shall provide the method of appeal."

Delegate Duval moved the adoption of the amendment.

Delegate Chehardy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	O'Neill
Anzalone	Gauthier	Ourso
Badeaux	Ginn	Perez
Bergeron	Goldman	Perkins
Blair	Grier	Planchard
Bollinger	Guarisco	Rachal
Burns	Heine	Rayburn
Burson	Jack	Reeves
Cannon	Kean	Robinson
Carmouche	Kelly	Roemer
Casey	Kilpatrick	Roy
Champagne	Lambert	Sandoz
Comar	Landry, A.	Schmitt
Conino	Lanier	Slay
Conroy	Leigh	Smith
Cowen	Lowe	Stephenson
De Blieux	McDaniel	Stinson
Deshotels	Martin	Sutherland
Drew	Mauberret	Thompson
Edwards	Mire	Wattigny
Elkins	Munson	Willis
Fayard	Newton	Womack
Fontenot	Nunez	Zervigon
Fowler		
Total—70.		

NAYS

Delegates—		
Abraham	Gravel	Stagg
Alario	Hardee	Stovall
Alexander	Hayes	Tapper
Arnette	Hernandez	Tobias
Asseff	Jackson, A.	Toca
Avant	Jackson, J.	Toomy
Brien	Jenkins	Ullo
Brown	Juneau	Velazquez
Chatelain	Landrum	Vesich
Chehardy	Landry, E. J.	Vick
Corne	LeBleu	Warren
D'Gerolamo	Leithman	Weiss
Dennis	Lennox	Winchester
Dunlap	Singletary	Wisham
Flory	Soniat	
Total—44.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Segura
Bel	Haynes	Shannon
Berry	Kilbourne	Silverberg
Dennery	Miller	Tate
Derbes	Pugh	Thistlethwaite
Duval	Riecke	Wall
Total—18.		

And the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, strike out Convention Floor Amendment No. 1 proposed by Delegate De Blieux, et al., and adopted by the Convention on September 15, 1973, and delete lines 12 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section ____ (A) The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions.

(B) The code of ethics shall be administered by a board or boards of ethics created by the legislature with such qualifications, terms of office, duties, and powers as provided by law.

(C) The decisions of the board shall be appealable and the legislature shall provide the method of appeal."

Motion

Delegate Lennox moved the previous question on the amendment.

Delegate De Blieux objected.

By a vote of 23 yeas and 85 nays the Convention refused to order the previous question.

Delegate Abraham moved the adoption of the amendment.

Delegate LeBleu objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Nunez
Aertker	Fayard	O'Neill
Alario	Flory	Planchard
Alexander	Fontenot	Rachal
Anzalone	Fowler	Rayburn
Annette	Fulco	Reeves
Asseff	Gauthier	Robinson
Avant	Ginn	Roemer
Badeaux	Goldman	Roy
Bergeron	Gravel	Sandoz
Blair	Grier	Schmitt
Bollinger	Guarisco	Singletary
Brien	Hardee	Slay
Brown	Hayes	Smith
Burns	Hernandez	Soniat
Burson	Jack	Stagg
Carmouche	Jackson, A.	Stephenson
Casey	Jackson, J.	Stinson
Champagne	Jenkins	Stovall
Chatelain	Juneau	Sutherland
Chehardy	Kelly	Tapper
Comar	Kilpatrick	Thompson
Conino	Lambert	Tobias
Conroy	Landrum	Toca
Corne	Landry, E. J.	Ullo
Cowen	Lanier	Velazquez
D'Gerolamo	Leigh	Vesich
De Blieux	Lennox	Vick
Dennis	Lowe	Warren
Derbes	McDaniel	Willis
Deshotels	Mauberret	Wisham
Drew	Mire	Womack
Dunlap	Munson	Zervigon
Duval	Newton	
Total—101.		

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NAYS

Delegates—

Cannon
Edwards
Heine
Kean
Landry, A.
Total—14.

LeBleu
Martin
Ourso
Perez
Perkins

Toomy
Wattigny
Weiss
Winchester

NOT VOTING

Delegates—

Mr. Chairman
Bel
Berry
Dennery
Giarrusso
Haynes
Total—17.

Kilbourne
Leithman
Miller
Pugh
Riecke
Segura

Shannon
Silverberg
Tate
Thistlethwaite
Wall

And the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Conroy moved the previous question on the entire subject matter.

Delegate Burson objected.

By a vote of 66 yeas and 47 nays and the previous question was ordered.

Passage

Committee Proposal No. 22, Section 1, was read, as amended.

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Aertker
Alario
Alexander
Anzalone
Annette
Asseff
Avant
Badeaux
Bergeron
Blair
Brien
Brown
Burns
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennis
Derbes
Deshotels
Dunlap
Elkins
Fayard
Flory
Fontenot
Total—101.

Fowler
Fulco
Gauthier
Ginn
Goldman
Gravel
Grier
Guarisco
Hardee
Hayes
Hernandez
Jack
Jackson, A.
Jackson, J.
Juneau
Kean
Kelly
Kilpatrick
Lambert
Landrum
Landry, E. J.
Lanier
LeBleu
Leigh
Lennox
Lowe
McDaniel
Maubertret
Mire
Munson
Newton
Nunez
O'Neill
Perkins

Planchard
Rachal
Rayburn
Reeves
Robinson
Roemer
Roy
Sandoz
Schmitt
Singletary
Slay
Smith
Soniati
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Thompson
Tobias
Toca
Ullo
Velazquez
Vesich
Vick
Warren
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegates—

Bollinger
Burson
Cannon
Drew
Duval
Total—14.

Edwards
Heine
Jenkins
Landry, A.
Martin

Ourso
Perez
Toomy
Wattigny

NOT VOTING

Delegates—

Mr. Chairman
Bel
Berry
Dennery
Giarrusso
Haynes
Total—17.

Kilbourne
Leithman
Miller
Pugh
Riecke
Segura

Shannon
Silverberg
Tate
Thistlethwaite
Wall

And the Chair declared that the above Section was passed.

Delegate Abraham moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Juneau moved the previous question on the entire subject matter.

Point of Order

Delegate Burson asked for a ruling of the Chair as to whether the motion for the previous question on the entire subject matter would have the effect, if carried, of precluding consideration of amendments proposing the addition of new Sections which were prepared and at the desk, but not introduced.

Ruling of the Chair

The Chair ruled that the effect of the motion for the previous question on the entire subject matter, if carried, would be to bring the Convention to vote directly on the final passage of the proposal as there were no pending subsidiary motions as amendments which were introduced, and as a result amendments prepared but not introduced would be precluded from consideration.

Appeal

Delegate Burson appealed the ruling of the Chair.

The question was put, in accordance with the rules, to sustain the ruling of the Chair.

And, by a vote of 78 yeas and 32 nays, the Chair was sustained.

Delegate Juneau insisted upon his motion to order the previous question.

By a vote of 45 yeas and 66 nays and the Convention refused to order the previous question.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 22 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 24, add the following:

"Section 2. Code of Ethics; Local Officials and Employees
Section 2. Any code of ethics for local officials and employees shall be administered by a local board of ethics."

Motion

Delegate Smith moved the previous question on the amendment.

Delegate Weiss objected.

By a vote of 42 yeas and 64 nays the Convention refused to order the previous question.

Motion

Delegate Munson moved the previous question on the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Jackson, A.	Soniat
Arnette	Kilpatrick	Stagg
Avant	Landrum	Sutherland
Brien	Leigh	Tapper
Burns	Lennox	Thompson
Cannon	Lowe	Toca
Casey	McDaniel	Ullo
D'Gerolamo	Mauberret	Vesich
Dennis	Ourso	Warren
Elkins	Perkins	Wattigny
Flory	Rachal	Wisham
Ginn	Roy	Womack
Goldman	Schmitt	Zervigon
Gravel	Slay	
Guarisco	Smith	
Total—43.		

NAYS

Delegates—		
Abraham	Edwards	Mire
Anzalone	Fontenot	Newton
Asseff	Fowler	Nunez
Badeaux	Fulco	O'Neill
Bergeron	Gauthier	Perez
Blair	Grier	Rayburn
Bollinger	Hardee	Reeves
Brown	Hayes	Robinson
Burson	Heine	Roemer
Champagne	Jack	Sandoz
Chatelain	Jackson, J.	Singletary
Chehardy	Jenkins	Stephenson
Comar	Juneau	Stinson
Conino	Kean	Stovall
Conroy	Kelly	Tobias
Corne	Lambert	Toomy
Cowen	Landry, A.	Velazquez
De Blieux	Landry, E. J.	Vick
Deshotels	Lanier	Weiss
Drew	LeBleu	Willis
Duval	Martin	Winchester
Total—63.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Pugh
Aertker	Giarrusso	Riecke
Alario	Haynes	Segura
Bel	Hernandez	Shannon
Berry	Kilbourne	Silverberg
Carmouche	Leithman	Tate
Dennery	Miller	Thistlethwaite
Derbes	Munson	Wall
Dunlap	Planchard	
Total—26.		

And the Convention refused to order the previous question at this time.

Delegate Burson moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Anzalone	Fulco	O'Neill
Asseff	Gauthier	Ourso
Badeaux	Heine	Perez
Bollinger	Hernandez	Perkins
Burson	Jack	Planchard
Cannon	Kean	Robinson
Champagne	Landry, A.	Sandoz
Conino	Lanier	Toca
Deshotels	LeBleu	Toomy
Drew	Leigh	Wattigny
Duval	McDaniel	Weiss
Edwards	Martin	Willis
Elkins	Mauberret	Winchester
Fontenot	Nunez	
Total—42.		

NAYS

Delegates—		
Mr. Chairman	Ginn	Roemer
Abraham	Goldman	Roy
Alexander	Gravel	Schmitt
Arnette	Grier	Singletary
Avant	Hardee	Slay
Bergeron	Hayes	Smith
Blair	Jackson, A.	Soniat
Brien	Jackson, J.	Stagg
Brown	Jenkins	Stephenson
Burns	Juneau	Stinson
Casey	Kelly	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Comar	Landrum	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lennox	Ullo
Cowen	Lowe	Velazquez
De Blieux	Mire	Vesich
Dennis	Munson	Vick
Fayard	Newton	Warren
Flory	Rachal	Wisham
Fowler	Rayburn	Womack
Giarrusso	Reeves	Zervigon
Total—68.		

NOT VOTING

Delegates—		
Aertker	Dunlap	Segura
Alario	Guarisco	Shannon
Bel	Haynes	Silverberg
Berry	Kilbourne	Tate
Carmouche	Leithman	Thistlethwaite
Derbes	Miller	Wall
D'Gerolamo	Pugh	
Dennery	Riecke	
Total—22.		

The amendment not having received a majority vote of the total membership of the Convention, required to pass a Section to a Proposal, failed to pass.

Delegate Lowe moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

The Proposal was read.

Delegate Stagg moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Casey	Drew
Abraham	Chatelain	Fayard
Alexander	Chehardy	Flory
Arnette	Comar	Fontenot
Asseff	Conroy	Fowler
Avant	Corne	Fulco
Bergeron	Cowen	Ginn
Blair	D'Gerolamo	Goldman
Brien	De Blieux	Gravel
Brown	Dennis	Grier
Burns	Deshotels	Guarisco

Hardee	Munson	Stovall
Hayes	Newton	Sutherland
Hernandez	Planchar	Tapper
Jack	Rachal	Thompson
Jackson, A.	Rayburn	Tobias
Jackson, J.	Reeves	Toca
Juneau	Roemer	Ullio
Kelly	Roy	Velazquez
Kilpatrick	Sandoz	Vesich
Lambert	Schmitt	Vick
Landrum	Singletary	Warren
Landry, E. J.	Slay	Willis
Leigh	Smith	Winchester
Lennox	Soniati	Wisham
Lowe	Stagg	Womack
McDaniel	Stephenson	Zervigon
Mire	Stinson	
Total—83.		

NAYS

Delegates—		
Anzalone	Elkins	Mauberet
Badeaux	Gauthier	Nunez
Bollinger	Heine	O'Neill
Burson	Jenkins	Ourso
Cannon	Kean	Perez
Champagne	Landry, A.	Perkins
Conino	Lanier	Toomy
Duval	LeBleu	Wattigny
Edwards	Martin	Weiss
Total—27.		

ABSENT

Delegates—		
Aertker	Haynes	Segura
Alario	Kilbourne	Shannon
Bel	Leithman	Silverberg
Berry	Miller	Tate
Carmouche	Pugh	Thistlethwaite
Dennery	Riecke	Wall
Derbes	Giarrusso	
Dunlap	Robinson	
Total—22.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

September 15, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention has been properly enrolled in final form:

COMMITTEE RESOLUTION No. 11—

Introduced by Delegate LeBreton, Chairman, on behalf of the Committee on Legislative Liaison and Transitional Measures, and Delegate Henry, Chairman, on behalf of the Coordinating Committee, and Delegates Aertker, Blair, Casey, Dennis, D'Gerolamo, Drew, Fayard, Hardee, A. Jackson, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Miller, Munson, Perez, Rayburn, Smith, Stagg, Thompson, Vick, Womack, and Zervigon:

A RESOLUTION

To recommend categories for the orderly transition of material from the Louisiana Constitution of 1921.

WHEREAS, the official rules of this convention contem-

plate that the Coordinating Committee shall assure that all provisions of the Constitution of 1921, as amended, be considered by at least one substantive committee; and

WHEREAS, said rules vest in the Committee on Legislative Liaison and Transitional Measures jurisdiction over matters of transition of subject matter from the constitution to appropriate law; and

WHEREAS, the members of these committees have studied various methods of transposition and the coordination of transition procedures with the substantive committees and after deliberation recommend that the convention immediately establish categories into which subject matter can be placed in order to facilitate the work and deliberations of the convention.

NOW, THEREFORE, BE IT RESOLVED that each of the eight substantive committees, of the Constitutional Convention of Louisiana of 1973, in its deliberations, shall divide the material within its jurisdiction into the following categories:

1. Articles and sections of the proposed new constitution.

2. Provisions of the 1921 Constitution to be made statutory, but subject to legislative change only by a super majority vote.

3. Provisions of the 1921 Constitution to be made statutory and subject to legislative change by the usual majority vote.

4. Provisions of the proposed new constitution which require new legislation for implementation.

5. Material which is obsolete or unnecessary.

BE IT FURTHER RESOLVED that each committee, through its chairman, submit a written report containing its division of material into the categories herein enumerated to the convention not later than November 2, 1973.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted without delay to the chairman of each of the substantive committees of this convention.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Mr. Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

September 15, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Delegate Resolutions having been finally adopted by the Convention have been properly enrolled in final form:

DELEGATE RESOLUTION No. 39—

Introduced by Delegate Zervigon:

A RESOLUTION

To amend Rule No. 78 of the Standing Rules of the Constitutional Convention to provide that delegates not voting, rather than absentees, shall be listed separately.

BE IT RESOLVED that Rule No. 78 of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

Rule No. 78. Voting after Decision is Announced. When the Yeas and Nays are taken on any question, no delegate shall be permitted, under any circumstances whatever, to vote after the decision has been announced by the chairman. On all calls of the Yeas and Nays the names of delegates not voting shall be placed on a separate list.

DELEGATE RESOLUTION No. 40—

Introduced by Delegate Casey:

A RESOLUTION

To amend and readopt Paragraph 2 of Rule Number 50 of the Standing Rules of the Constitutional Convention to require that the recommendations of the Committee on Style and Drafting on proposals adopted be submitted to the substantive committee involved prior to report to the convention.

BE IT RESOLVED that Paragraph 2 of Rule Number 50

of the Standing Rules of the Constitutional Convention is hereby amended and readopted to read as follows:

"2. Committee on Style and Drafting, which shall have control over literary style, consistency, arrangement, and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it; where a proposal referred to it is inconsistent or in conflict with a proposal already acted on favorably by the convention, the committee shall at the third reading (Rule 44 (H)) notify the convention of that inconsistency or conflict and wait upon its instructions.

Prior to returning to the convention, with its report thereon, any finally adopted proposal referred to it, the Committee on Style and Drafting shall submit its proposed report to the substantive committee having jurisdiction over the subject matter. Within five days after such submission, the substantive committee may make any recommendations and comments to the Committee on Style and Drafting it deems necessary. If recommendations or comments are so made, the Committee on Style and Drafting shall consider them prior to reporting the proposal to the convention."

Respectfully submitted,

MOISE W. DENNERY
Secretary

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

September 14, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 25—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 2, by Delegate Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss)

A PROPOSAL

To provide a preamble and a declaration of rights to the constitution.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

A PREAMBLE

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I. DECLARATION OF RIGHTS

Section 1. Origin and Purpose of Government

Section 1. All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness, and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

Section 2. Due Process of Law

Section 2. No person shall be deprived of life, liberty or property, except by due process of law.

Section 3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the law. No law shall discriminate against a person on account of race or religious ideas, religious beliefs, or religious affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against any person by reason of birth, age, sex, culture, physical condition, political ideas or political affiliation. Slavery and involuntary servitude are prohibited, except in the latter case as a punishment for crime.

Section 4. Right to Property

Section 4. Every person has the right to acquire, control, own, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power. Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate property, except for a public and necessary purpose and with just compensation paid to the owner and, in such proceedings, the issue of whether the purpose is public and necessary shall be a judicial question. In all expropriations, any party shall have the right to trial by jury to determine compensation and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or for the purpose of halting competition with government enterprises, except that municipalities may expropriate utilities within their jurisdiction. Personal effects, other than contraband, shall never be taken. The provisions of this Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Section 5. Right to Privacy

Section 5. Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise the illegality of that search or seizure in the appropriate court of law.

Section 6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

Section 9. Liberty of Speech and Freedom of the Press

Section 9. No law shall ever be passed to curtail or restrain the liberty of speech or freedom of the press; any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty or freedom.

Section 10. Freedom of Religion

Section 10. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

Section 11. Freedom of Assembly and Movement

Section 11. No law shall impair the right of every person to assemble peaceably or to petition government for a redress of grievances.

Section 12. Rights of the Accused

Section 12. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self incrimination, his right to the assistance of counsel and, to court appointed counsel, if indigent. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him. At all stages of the proceedings, every person shall be entitled to assistance of counsel of his choice, or appointed by the court in indigent cases if charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing counsel for indigents, including qualifications and compensation.

No person shall be subjected to imprisonment or forfeiture of his rights or property without the right of judicial review based upon a complete record of all evidence upon which such judgment is based. The cost of the transcription of

such record shall be paid as provided by law. This right may be intelligently waived.

Section 13. Initiation of Prosecution

Section 13. Prosecution of felonies shall be initiated by indictment or information, provided that no person shall be held to answer for any capital crime or any crime punishable by life imprisonment, except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his own application for a new trial or when a mistrial is declared or a motion in arrest of judgment is sustained.

Section 15. Fair Trial

Section 15. Every person charged with a crime shall be presumed innocent until proven guilty, and shall be entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue be changed in accordance with law. No person shall be compelled to give evidence against himself. An accused shall be entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf.

Section 16. Trial by Jury in Criminal Cases

Section 16. Criminal cases in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict; cases in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. Cases in which the punishment may be confinement at hard labor or confinement without hard labor of more than six months, shall be tried before a jury of six persons, five of whom must concur to render a verdict. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury. In all criminal prosecutions tried by a jury the accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law.

Section 17. Right to Bail

Section 17. Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient sureties, unless charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment of five years or less. The judge may grant bail if the maximum sentence which may be imposed is imprisonment in excess of five years. After sentencing and until final judgment, persons shall be bailable if the sentence actually imposed is five years or less and the judge in his discretion may grant bail if the sentence actually imposed is in excess of five years imprisonment.

Section 18. Right to Humane Treatment

Section 18. No law shall subject any person to euthanasia, torture, cruel, excessive, or unusual punishments. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

Section 19. Right to Vote

Section 19. Every citizen of the state, upon reaching eighteen years of age shall have the right to register and

vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent, or under an order of imprisonment for conviction of a felony.

Section 20. Right to Keep and Bear Arms

Section 20. The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Section 21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

Section 22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay for injury to him in his person, property, reputation, or other rights.

Section 23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

Section 25. Unenumerated Rights

Section 25. The enumeration in this constitution of certain rights shall not be construed to deny or disparage other rights retained by the individual citizens of the state.

Section 26. Freedom from Discrimination

Section 26. In access to public areas, accommodations, and facilities every person shall have the right to be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

Section 27. Right to Preliminary Examination

Section 27. In all felony cases, except those indicted by a grand jury, the right to a preliminary examination shall not be denied.

Respectfully submitted,

MOISE W. DENNERY
Secretary

Under the Rules, referred to the Committee on Style and Drafting.

Leaves of Absence

Delegate Miller—1 day.
Delegate Pugh—½ day.
Delegate Dennery—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, September 19, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, September 19, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FORTY-NINTH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, September 19, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—	Fontenot	Perez
Mr. Chairman	Fowler	Perkins
Abraham	Fulco	Planchard
Aertker	Gauthier	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hardee	Roemer
Badeaux	Hayes	Roy
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Berry	Hernandez	Segura
Blair	Jack	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Brown	Jenkins	Soniat
Burns	Juneau	Stephenson
Burson	Kean	Stovall
Cannon	Kelly	Sutherland
Carmouche	Kilbourne	Tapper
Casey	Kilpatrick	Tate
Champagne	Lambert	Thistlethwaite
Chatelain	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Conroy	LeBleu	Toomy
Corne	Leigh	Ullo
Cowen	Leithman	Velazquez
D'Gerolamo	Lennox	Vesich
De Blieux	Lowe	Vick
Dennery	McDaniel	Wall
Dennis	Martin	Warren
Derbes	Mauberrret	Wattigny
Deshotels	Miller	Willis
Drew	Mire	Winchester
Dunlap	Munson	Wisham
Duval	Newton	Womack
Edwards	Nunez	Zervigon
Elkins	O'Neill	
Fayard	Oruso	
Flory		

Total—124.

ABSENT

Delegates—	Shannon	Stinson
Chehardy	Silverberg	Weiss
Giarrusso	Stagg	
Lanier		

Total—8.

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Warren.

Pledge of Allegiance

Delegate Planchard led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
of America.

Reading of the Journal

On motion of Delegate Duval, the reading of the Journal
was dispensed with.

On motion of Delegate Duval, the Journal of yesterday
was adopted.

Morning Hour

**Resolutions
Delegate and Committee**

The following entitled Delegate and Committee Resolu-
tions were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Delegates
Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giar-
russo, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shan-
non, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

On motion of Delegate Perez, the rules were suspended
in order to consider the above Proposal out of its regular
order.

Motion

Delegate Munson moved that Committee Proposal No. 17
be recommitted to the Committee on Local and Parochial
Government.

Delegate Perez objected.

A record vote was asked for and order by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fowler	O'Neill
Mr. Chairman	Fulco	Pugh
Abraham	Ginn	Rachal
Alario	Gravel	Reeves
Alexander	Guarisco	Robinson
Avant	Hayes	Roemer
Bel	Haynes	Roy
Bergeron	Jack	Singletary
Berry	Jackson, A.	Slay
Brien	Jackson, J.	Soniat
Comar	Jenkins	Stovall
Conino	Kelly	Tate
Conroy	Kilpatrick	Thompson
D'Gerolamo	Landrum	Tobias
De Blieux	Leithman	Toca
Dennery	Mire	Velazquez
Dunlap	Munson	Warren
Edwards	Newton	
Flory		

Total—53.

NAYS

Delegates—	Burson	Deshotels
Aertker	Carmouche	Drew
Anzalone	Casey	Duval
Arnette	Champagne	Elkins
Asseff	Corne	Fontenot
Badeaux	Cowen	Gauthier
Bollinger	Dennis	Goldman
Brown	Derbes	Grier
Burns		

Hardee	McDaniel	Smith
Heine	Martin	Stephenson
Hernandez	Mauberret	Sutherland
Kean	Nunez	Thistlethwaite
Kilbourne	Perez	Toomy
Landry, A.	Perkins	Ullio
Landry, E. J.	Planchard	Wattigny
LeBleu	Rayburn	Willis
Leigh	Riecke	Winchester
Lennox	Sandoz	Zervigon
Lowe	Schmitt	

Total—56.

NOT VOTING

Delegates—		
Blair	Lanier	Tapper
Cannon	Miller	Vesich
Chatelain	Ourso	Vick
Chehardy	Segura	Wall
Fayard	Shannon	Weiss
Giarrusso	Silverberg	Wisham
Juneau	Stagg	Womack
Lambert	Stinson	

Total—23.

And the Convention refused to recommit the Proposal to the Committee on Local and Parochial Government.

Delegate Perez moved to reconsider the vote by which the Convention refused to recommit the Proposal to the Committee on Local and Parochial Government, and on his own motion, the motion to reconsider was laid on the table.

Section 1. Parishes; Ratification of Boundaries, Creation, Consolidation, and Dissolution.

Section 1. (A) All parishes and their boundaries as established under existing law are recognized and ratified.

(B) The legislature shall provide by general law for the creation, consolidation, or dissolution of parishes under the limitations hereinafter provided. No new parish shall contain less than six hundred and twenty-five square miles, or less than fifty thousand inhabitants, and no parish shall be reduced below that area or number of inhabitants.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1 delete lines 14 through 32, both inclusive, in their entirety, and on page 2 delete lines 1 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines; Change of Parish Seats

Section 1. (A) The legislature may establish and organize new parishes, dissolve and merge parishes, and change parish boundaries, if a majority of the electors voting at an election held for the purpose in each parish affected consent thereto.

(B) The governing authority of a parish, upon the written petition of at least twenty-five percent of the electors of the parish, shall call an election on the question of changing the location of the parish seat. The election shall be conducted in the manner provided by the general election laws of the state, insofar as applicable. The location of a parish seat shall be changed if two-thirds of the total vote cast at the election is in favor thereof.

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 14 through 24, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines; Change of Parish Seats; Existing Parishes

Section 1. (A) The legislature may establish and organize new parishes, dissolve and merge parishes and change parish boundaries, if two-thirds of the electors in each of the parishes affected voting at an election held for the purpose in each parish affected consent thereto.

(B) The governing authority of a parish, may call an election on the question of changing the location of the parish seat. The election shall be conducted in the manner provided by the general election laws in the state, insofar as applicable. The location of a parish seat shall be changed if two-thirds of the total vote cast at the election is in favor thereof.

(C) All parishes and their boundaries as established under existing law are recognized and ratified."

Delegate Pugh moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Newton
Abraham	Edwards	Pugh
Alario	Flory	Rachal
Alexander	Fowler	Rayburn
Avant	Fulco	Reeves
Bel	Gauthier	Roemer
Bergeron	Ginn	Roy
Berry	Goldman	Singletary
Bollinger	Gravel	Slay
Brien	Guarisco	Soniat
Brown	Hardee	Stephenson
Burns	Haynes	Stovall
Casey	Jackson, A.	Tate
Champagne	Jackson, J.	Thompson
Conroy	Kelly	Tobias
Corne	Kilpatrick	Toca
Cowen	Landrum	Velazquez
D'Gerolamo	Landry, E. J.	Wall
De Blieux	Leithman	Warren
Dennery	Mauberret	Womack
Dennis	Mire	
Dunlap	Munson	

Total—64.

NAYS

Delegates—		
Aertker	Heine	Planchard
Anzalone	Hernandez	Riecke
Arnette	Jack	Robinson
Asseff	Kean	Sandoz
Badeaux	Kilbourne	Schmitt
Cannon	Landry, A.	Smith
Carmouche	LeBleu	Sutherland
Comar	Leigh	Thistlethwaite
Conino	Lennox	Toomy
Derbes	Lowe	Ullio
Deshotels	McDaniel	Wattigny
Drew	Martin	Willis
Elkins	Nunez	Winchester
Fontenot	O'Neill	Zervigon
Grier	Perez	
Hayes	Perkins	

Total—46.

NOT VOTING

Delegates—		
Blair	Chatelain	Fayard
Burson	Chehardy	Giarrusso

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Jenkins	Segura	Vesich
Juneau	Shannon	Vick
Lambert	Silverberg	Weiss
Lanier	Stagg	Wisham
Miller	Stinson	
Ourso	Tapper	

Total—22.

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, between line 14 and 24, as amended by the Floor Amendment proposed by Delegate Pugh and adopted by the convention on September 19, 1973, delete in its entirety Paragraph (C) contained in said floor amendment.

Delegate Abraham moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 12 yeas and 88 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, line 14, in Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the Convention on September 19, 1973 on line 6, immediately after the word "if" and before the words "of the" delete the word "two-thirds" and insert in lieu thereof the words "a majority"

Delegate Newton moved the adoption of the amendment.

Delegate Perez adopted.

By a vote of 17 yeas and 84 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the Convention on September 19, 1973, on line 6 of the text of the amendment after the words "two-thirds" insert the words "or more" and on line 15

of the text of the amendment after the words "two-thirds" insert the words "or more"

Delegate Gravel moved the adoption of the amendment.

Delegate Kean objected.

By a vote of 34 yeas and 71 nays the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 1, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	Nunez
Abraham	Fayard	O'Neill
Alario	Flory	Ourso
Alexander	Fontenot	Perez
Anzalone	Fowler	Perkins
Arnette	Fulco	Planchard
Asseff	Gauthier	Pugh
Avant	Ginn	Rachal
Badeaux	Goldman	Reeves
Bel	Gravel	Riecke
Bergeron	Grier	Roemer
Blair	Guarisco	Roy
Bollinger	Hardee	Sandoz
Brien	Hayes	Schmitt
Brown	Heine	Segura
Burns	Hernandez	Singletary
Cannon	Jack	Slay
Carmouche	Jackson, A.	Smith
Casey	Jackson, J.	Soniat
Champagne	Juneau	Stephenson
Chatelain	Kelly	Stovall
Comar	Kilbourne	Sutherland
Conino	Kilpatrick	Tate
Conroy	Landrum	Thistlethwaite
Corne	Landry, A.	Thompson
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Leigh	Toca
Dennery	Leithman	Toomy
Dennis	Lennox	Ullo
Derbes	Lowe	Velazquez
Deshotels	McDaniel	Warren
Drew	Martin	Wattigny
Dunlap	Mauberret	Willis
Duval	Munson	Winchester
Edwards	Newton	Zervigon
Total—105.		

NAYS

Delegate Kean.
Total—1.

NOT VOTING

Delegates—		
Aertker	Lanier	Stinson
Berry	LeBleu	Tapper
Burson	Miller	Vesich
Chehardy	Mire	Vick
Cowen	Rayburn	Wall
Giarrusso	Robinson	Weiss
Haynes	Shannon	Wisham
Jenkins	Silverberg	Womack
Lambert	Stagg	
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Change of Parish Lines; Election

Section 2. Before taking effect any law changing parish

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lines, consolidating parishes, dissolving parishes, or creating new parishes shall be submitted to the electors of the parishes to be affected at a special election held for that purpose. The change shall take effect only if two-thirds of the total vote cast on the question in each affected parish is in favor thereof.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 25 through 31, both inclusive in their entirety.

On motion of Delegate Pugh the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 32 in its entirety and on page 2 delete lines 1 through 6, both inclusive in their entirety.

Delegate Pugh moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Rachal
Alexander	Ginn	Reeves
Avant	Goldman	Roemer
Bel	Gravel	Roy
Bollinger	Guarisco	Schmitt
Brown	Haynes	Segura
Champagne	Jackson, A.	Smith
Conroy	Jackson, J.	Soniat
Corne	Kelly	Stovall
D'Gerolamo	Landrum	Tate
De Blieux	Leithman	Thompson
Dunlap	Mire	Tobias
Duval	Munson	Velazquez
Edwards	Newton	Vesich
Flory	Pugh	Warren
Total—45.		

NAYS

Delegates—		
Abraham	Alario	Arnette
Aertker	Anzalone	Asseff

Badeaux	Grier	Ourso
Bergeron	Hardee	Perez
Blair	Hayes	Perkins
Brien	Heine	Planchard
Burns	Hernandez	Riecke
Cannon	Jack	Robinson
Carmouche	Juneau	Sandoz
Casey	Kean	Singleitary
Chatelain	Kilbourne	Slay
Comar	Kilpatrick	Stephenson
Conino	Lambert	Sutherland
Cowen	Landry, A.	Thistlethwaite
Dennery	Landry, E. J.	Toca
Dennis	Leigh	Toomy
Deshotels	Lennox	Ullo
Drew	Lowe	Wattigny
Elkins	McDaniel	Willis
Fayard	Martin	Winchester
Fontenot	Mauberret	Zervigon
Fowler	Nunez	
Gauthier	O'Neill	
Total—67.		

NOT VOTING

Delegates—		
Berry	LeBleu	Tapper
Burson	Miller	Vick
Chehardy	Rayburn	Wall
Derbes	Shannon	Weiss
Giarrusso	Silverberg	Wisham
Jenkins	Stagg	Womack
Lanier	Stinson	
Total—20.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 3, was read.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Ourso
Aertker	Fayard	Perez
Alario	Fontenot	Perkins
Alexander	Fowler	Planchard
Anzalone	Fulco	Pugh
Arnette	Gauthier	Rachal
Asseff	Grier	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roy
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Blair	Hernandez	Segura
Brien	Jack	Singleitary
Burns	Jackson, A.	Slay
Cannon	Jackson, J.	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stephenson
Chatelain	Kilbourne	Stovall
Comar	Kilpatrick	Sutherland
Conino	Landry, A.	Thistlethwaite
Corne	Landry, E. J.	Thompson
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ullo
Dennery	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Warren
Deshotels	Mauberret	Wattigny
Drew	Munson	Willis
Dunlap	Nunez	Winchester
Edwards	O'Neill	Zervigon
Total—93.		

NAYS

Delegates—		
Bollinger	Champagne	Conroy

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Duval	Guarisco	Reeves
Flory	Kelly	Roemer
Ginn	Landrum	Tate
Goldman	Mire	Tobias
Gravel	Newton	
Total—17.		

NOT VOTING

Delegates—		
Mr. Chairman	Lanier	Tapper
Berry	LeBleu	Vick
Brown	Miller	Wall
Burson	Rayburn	Weiss
Chehardy	Shannon	Wisham
Giarrusso	Silverberg	Womack
Jenkins	Stagg	
Lambert	Stinson	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Change of Location of Parish Seat

Section 4. Upon the written petition of not less than twenty-five percent of the electors, as certified by the registrar of voters, the governing authority of a parish shall call an election on the question of changing the location of the parish seat. The location of a parish seat shall not be changed unless two-thirds of the total vote cast on the question is in favor thereof.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 13, both inclusive in their entirety.

On motion of Delegate Pugh the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 5. Municipalities; Incorporation, Consolidation, Merger and Government

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 14 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Municipalities; Incorporation, Government, Consolidation, Merger

Section 5. The legislature shall provide by general law for the incorporation, government, consolidation, or merger of municipalities. It shall not create a municipal corporation or amend, modify or repeal the charter of any municipality by local or special law, except that a special legislative charter now in effect may be so amended, modified, or repealed as long as it continues in effect."

Delegate Pugh moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 36 yeas and 72 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 5, was read.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Ourso
Aertker	Fontenot	Perez
Alario	Fowler	Perkins
Alexander	Fulco	Planchard
Anzalone	Gauthier	Pugh
Arnette	Ginn	Reeves
Asseff	Goldman	Riecke
Avant	Gravel	Robinson
Badeaux	Grier	Roemer
Bel	Guarisco	Roy
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Singleton
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Cannon	Jackson, J.	Soniat
Carmouche	Juneau	Stephenson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tapper
Comar	Kilpatrick	Tate
Conino	Lambert	Thistlethwaite
Conroy	Landrum	Thompson
Corne	Landry, A.	Tobias
Cowen	Landry, E. J.	Toca
D'Gerolamo	Leigh	Toomy
De Blieux	Leithman	Ullo
Dennerly	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Warren
Deshotels	Martin	Wattigny
Drew	Maubernet	Willis
Dunlap	Mire	Winchester
Duval	Newton	Zervigon
Edwards	Nunez	
Elkins	O'Neill	
Total—109.		

NAYS

Delegates—
Delegate Flory.
Total—1.

NOT VOTING

Delegates—		
Mr. Chairman	LeBleu	Stinson
Berry	Miller	Vick
Burson	Munson	Wall
Chehardy	Rachal	Weiss
Giarrusso	Rayburn	Wisham
Haynes	Shannon	Womack
Jenkins	Silverberg	
Lanier	Stagg	
Total—22.		

And the Chair declared that the above Section was passed.

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Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes. However, no statute which is applicable to fewer than six parishes or municipalities shall become operative in any such parish or municipality until approved by ordinance enacted by the governing authority of the affected parish or municipality.

Read.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant, Ginn & Flory to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, line 29, immediately after the word and punctuation "classes." delete the words "However, no statute" and delete line 30 through 32, in their entirety

AMENDMENT No. 2—

On page 3, delete line 1, in its entirety

Delegate Avant moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	O'Neill
Aertker	Fontenot	Planchard
Alario	Fowler	Pugh
Alexander	Fulco	Rachal
Anzalone	Gauthier	Reeves
Arnette	Ginn	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Guarisco	Schmitt
Bergeron	Hardee	Segura
Blair	Hayes	Slay
Bollinger	Haynes	Smith
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stephenson
Burns	Juneau	Stovall
Carmouche	Kelly	Tate
Comar	Kilpatrick	Thistlethwaite
Corne	Lambert	Thompson
Cowen	Landrum	Tobias
D'Gerolamo	Landry, A.	Toca
De Blieux	Landry, E. J.	Ullo
Dennis	Leithman	Velazquez
Drew	Lowe	Vesich
Dunlap	Martin	Warren
Duval	Mire	Wattigny
Edwards	Munson	Winchester
Fayard	Newton	Wisham
Total—81.		

NAYS

Delegates—		
Abraham	Champagne	Dennery
Bel	Chatelain	Derbes
Burson	Conino	Deshotels
Casey	Conroy	Elkins

Grier
Heine
Hernandez
Kean
Kilbourne
Leigh
Lennox
Total—33.

McDaniel
Maubertret
Nunez
Ourso
Perez
Perkins
Riecke

Sandoz
Singletary
Sutherland
Tapper
Toomy
Willis
Zervigon

NOT VOTING

Delegates—

Berry
Cannon
Chehardy
Giarrusso
Jack
Jenkins
Total—18.

Lanier
LeBleu
Miller
Rayburn
Shannon
Silverberg

Stagg
Stinson
Vick
Wall
Weiss
Womack

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 6, was read, as amended.

Delegate Zervigon moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	O'Neill
Abraham	Fayard	Ourso
Aertker	Flory	Perez
Alario	Fontenot	Perkins
Alexander	Fowler	Planchard
Anzalone	Fulco	Pugh
Arnette	Gauthier	Rachal
Asseff	Ginn	Reeves
Avant	Goldman	Robinson
Badeaux	Gravel	Roemer
Bel	Grier	Roy
Bergeron	Guarisco	Sandoz
Blair	Hardee	Schmitt
Bollinger	Hayes	Segura
Brien	Haynes	Singletary
Brown	Heine	Slay
Burns	Hernandez	Smith
Burson	Jackson, A.	Soniat
Cannon	Jackson, J.	Stephenson
Carmouche	Juneau	Stovall
Casey	Kean	Sutherland
Champagne	Kelly	Tapper
Chatelain	Kilbourne	Tate
Comar	Kilpatrick	Thistlethwaite
Conino	Lambert	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Ullo
De Blieux	Lennox	Velazquez
Dennery	Lowe	Vesich
Dennis	Martin	Warren
Deshotels	Maubertret	Wattigny
Drew	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Wisham
Edwards	Nunez	Zervigon
Total—111.		

NAYS

Delegates—		
Derbes	McDaniel	Riecke
Total—3.		

NOT VOTING

Delegates—
Berry
Chehardy
Giarrusso

Jack
Jenkins
Landrum

Lanier
LeBleu
Miller

Rayburn
Shannon
Silverberg
Total—18.

Stagg
Stinson
Vick

Wall
Weiss
Womack

And the Chair declared that the above Section was passed.

Delegate Zervigon moved to reconsider the vote by which the above Section was passed, and, on her own motion, the motion to reconsider was laid on the table.

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

Section 7. (A) The plans of government and home rule charters of the parishes of East Baton Rouge, Jefferson, and Plaquemines and of the cities of New Orleans, Baton Rouge, and Shreveport shall remain in effect, and may be amended, modified, or repealed as provided therein. Each of them shall retain the authority, powers, rights, privileges, and immunities granted by its charter. Each shall be subject to the duties imposed by the applicable constitutional provisions under which its plan or charter was adopted. Each of them also shall enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, including Sections 8 and 9 of this Article, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(B) Every other home rule charter adopted or authorized when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in the charter.

Read.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne and Fontenot to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, after "Section 7." delete the remainder of the line and delete lines 5 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Every plan of government or home rule charter adopted or authorized when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in the charter. Each of them shall also retain the authority, powers, rights, privileges, and immunities in effect when this constitution is adopted. Each shall be subject to the duties imposed by the applicable constitutional provisions under which its plan or charter was adopted. Each of them shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, unless the exercise of such powers and performance of such functions is prohibited by its charter."

Delegate Champagne moved the adoption of the amendment.

Delegate J. Jackson objected.

By a vote of 16 yeas and 97 nays the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

September 19, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 22—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Alexander, Anzalone, Arnette, Brien, Dennery, Duval, Gravel, Stovall, and Tapper:

A PROPOSAL

Making provisions for a code of ethics and the Louisiana Board of Ethics.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article _____, Section _____ Code of Ethics; Board of Ethics

Section _____ (A) The legislature shall enact a code of ethics for all officials and employees of the state and its political subdivisions.

(B) The code of ethics shall be administered by a board or boards of ethics created by the legislature with such qualifications, terms of office, duties, and powers as provided by law.

(C) The decisions of the board shall be appealable and the legislature shall provide the method of appeal.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday, September 20, 1973 at 9 o'clock in Committee Room 5 State Capitol and will consider the following agenda:

AGENDA

1. Continuation of discussion of differences in this committee's proposal and the proposal by Local and Parochial Government.
2. Amendments to the two committee proposals—CP 15 and CP 26.
3. Any other business which may come before the committee.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, September 20, 1973 at 9:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

To hold a joint meeting with the Committee on Revenue,

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Finance and Taxation to attempt to resolve differences between the two committees.

Respectfully submitted,

CHALIN O. PEREZ,
Chairman of the Committee on
Local and Parochial Governments

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Thursday, September 20, 1973 at 9:00 o'clock A.M. in Committee Room No. 4 and will consider the following agenda:

AGENDA

To continue consideration of the committee's proposal.

Respectfully submitted,

DELEGATE LOUIS LAMBERT,
Chairman of the Committee on Natural Resources

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Alphonse Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, September 20, 1973 at 10:00 o'clock A.M. in Committee Room No. 9 and will consider the following agenda:

AGENDA

To consider the Committee's Proposals on elections.

Respectfully submitted,

DELEGATE ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly

posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Aertker the rules were suspended in order to allow him to call a meeting of the Committee on Education and Welfare without giving the required 24 hours notice.

COMMITTEE NOTICE

Mr. Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, September 19, 1973, after adjournment in Committee Room 5 and will consider the following agenda:

AGENDA

Consideration of Delegate Proposals 65, 53, 54, 66, 92, 3

Respectfully submitted,

DELEGATE ROBERT AERTKER,
Chairman of the Committee
on Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Weiss—2 days.
Delegate Lanier—3 days.
Delegation Stinson—1 day.
Delegate Burson—½ day.
Delegate Jenkins—½ day.
Delegate Chehardy—1 day.
Delegate Rayburn—1 day.
Delegate Vesich—½ day.
Delegate Stagg—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, September 20, 1973 at 1:00 o'clock P. M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, September 20, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

FIFTIETH DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, September 20, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock P. M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Ourso
Abraham	Fowler	Perez
Aertker	Fulco	Perkins
Alario	Gauthier	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rachal
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Riecke
Badeaux	Hardee	Robinson
Bel	Hayes	Roemer
Bergeron	Haynes	Roy
Blair	Heine	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jack	Segura
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Carmouche	Juneau	Soniat
Casey	Kean	Stagg
Champagne	Kelly	Stephenson
Chatelain	Kilbourne	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leigh	Ullo
Dennerly	Leithman	Velazquez
Dennis	Lennox	Vesich
Derbes	Lowe	Vick
Deshotels	McDaniel	Wall
Drew	Martin	Warren
Dunlap	Maubertret	Wattigny
Duval	Mire	Willis
Edwards	Munson	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Womack
Flory	O'Neill	Zervigon
Total—123.		

ABSENT

Delegates—		
Berry	Miller	Stinson
Cannon	Shannon	Tate
Giarrusso	Silverberg	Weiss
Total—9.		

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Champagne.

Pledge of Allegiance

Delegate Deshotels led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Alario, the reading of the Journal was dispensed with.

On motion of Delegate Alario, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees

The following reports of Committees were received and read.

Delegate Robert Aertker, chairman, on behalf of the Committee on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 18, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Education and Welfare to submit the following report:

DELEGATE PROPOSAL No. 1—

Introduced by Dr. Asseff:

A PROPOSAL

For supplemental pay increase for state policemen.

Reported unfavorably.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Dennerly:

A PROPOSAL

To establish state and city civil service.

Reported unfavorably.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennerly:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Reported unfavorably.

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state city civil service.

Reported with amendments.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Reported with amendments.

Respectfully submitted,

ROBERT AERTKER,
Chairman.

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Delegate Robert Aertker, chairman, on behalf of the Committee on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Education and Welfare to submit the following report:

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:

A PROPOSAL

Making provisions regarding civil service employment.

Reported with amendments.

Respectfully submitted,

ROBERT AERTKER,
Chairman.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

Section 7. (A) The plans of government and home rule charters of the parishes of East Baton Rouge, Jefferson, and Plaquemines and of the cities of New Orleans, Baton Rouge, and Shreveport shall remain in effect, and may be amended, modified, or repealed as provided therein. Each of them shall retain the authority, powers, rights, privileges, and immunities granted by its charter. Each shall be subject to the duties imposed by the applicable constitutional provisions under which its plan or charter was adopted. Each of them also shall enjoy such additional powers and functions as are granted to local governmental subdivisions by provisions of this constitution, including Sections 8 and 9 of this Article, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(B) Every other home rule charter adopted or authorized when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in the charter.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 7, when it adjourned on Wednesday, September 19, 1973, which was taken up and acted upon as follows:

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 2 through 21 both inclusive in their entirety, and insert in lieu thereof the following:

"Section 7. Home Rule Charters and Plans of Government
Section 7. A. The local governmental subdivisions existing under home rule charters or plans of government at the time of the adoption of this constitution, shall continue to have all of the authority, powers, rights, privileges, immunities, obligations and responsibilities as therein provided for.

B. Subject to the provisions of paragraph A herein, the legislature by general law, shall provide the manner in which local governmental subdivisions, or two or more local governmental subdivisions within the boundaries of a single parish, may by a majority vote of the electors of the local governmental subdivision, adopt, amend or repeal a home rule charter or plan of government, and the powers, rights, privileges, immunities, obligations and responsibilities which may be provided for therein.

C. Except as otherwise provided in this constitution, the structure, organization and form of home rule charters and plans of government shall be reserved to the local governmental subdivision affected thereby."

Delegate Pugh moved the adoption of the amendment.

Delegate Lanier objected.

By a vote of 24 yeas and 88 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 4, immediately after the word and number "Section 7." delete the remainder of the line and delete lines 5 through 21 both inclusive, in their entirety, and insert in lieu thereof the following:

"Every plan of government or home rule charter in existence or authorized at time of adoption of this constitution shall remain in effect but shall be subject to amendment, modification, or repeal as provided therein."

Delegate Champagne moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alexander
Arnette
Avant
Badeaux
Bergeron
Brien
Brown
Carmouche
Champagne
Chehardy

Corne
Cowen
Dennis
Dunlap
Flory
Fontenot
Fulco
Goldman
Gravel
Grier
Guarisco
Hayes
Haynes

Jack
Jackson, A.
Jackson, J.
Jenkins
Kelly
Kilpatrick
Landrum
Landry, E. J.
LeBleu
Leithman
Lowe
Mire
Munson

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Newton	Roy	Tobias
O'Neill	Sandoz	Ullo
Pugh	Schmitt	Wall
Rachal	Singletery	Warren
Reeves	Smith	Wisham
Robinson	Stagg	
Roemer	Thompson	
Total—58.		

NAYS

Delegates—	Fayard	Perkins
Alario	Fowler	Rayburn
Anzalone	Gauthier	Riecke
Asseff	Hardee	Slay
Bel	Heine	Soniat
Blair	Hernandez	Stephenson
Bollinger	Juneau	Stinson
Burns	Kean	Stovall
Burson	Kilbourne	Sutherland
Casey	Landry, A.	Tapper
Chatelain	Lanier	Toca
Comar	Leigh	Toomy
Conino	Lennox	Velazquez
Conroy	McDaniel	Vesich
D'Gerolamo	Martin	Vick
De Blieux	Mauberret	Wattigny
Dennery	Nunez	Willis
Deshotels	Ourso	Winchester
Drew	Perez	Zervigon
Duval		
Elkins		
Total—58.		

NOT VOTING

Delegates—	Lambert	Silverberg
Berry	Miller	Tate
Cannon	Planchard	Thistlethwaite
Derbes	Segura	Weiss
Edwards	Shannon	Womack
Giarrusso		
Ginn		
Total—16.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Gravel objected to tabling the motion to reconsider.

By a vote of 58 yeas and 54 nays the motion to reconsider was tabled.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Toomy & Kean to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 4, after "Section 7." delete the remainder of the line and delete lines 5 through 21, both inclusive, in their entirety and insert in lieu thereof the following:

"Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided in its charter. Each local governmental subdivision which has adopted such a home rule charter or plan of government shall also retain the authority, powers, rights, privileges, duties, and immunities granted by its charter, and by the constitutional or statutory authority thereof."

Delegate Kean moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Juneau	Ourso
Anzalone	Kean	Perez
Burson	Kilbourne	Perkins
Chatelain	Landry, A.	Robinson
Conino	Lanier	Sandoz
Conroy	Leigh	Schmitt
De Blieux	McDaniel	Thistlethwaite
Drew	Martin	Toomy
Elkins	Mauberret	Willis
Fayard	Nunez	Winchester
Gauthier		
Heine		
Total—31.		

NAYS

Delegates—	Fontenot	Rachal
Abraham	Fowler	Rayburn
Alario	Fulco	Reeves
Alexander	Ginn	Riecke
Arnette	Goldman	Roemer
Asseff	Gravel	Roy
Avant	Grier	Segura
Badeaux	Guarisco	Singletery
Bel	Hardee	Slay
Bergeron	Hayes	Smith
Blair	Hernandez	Soniat
Bollinger	Jack	Stagg
Brien	Jackson, A.	Stephenson
Brown	Jackson, J.	Stinson
Burns	Jenkins	Stovall
Carmouche	Kelly	Sutherland
Casey	Kilpatrick	Thompson
Champagne	Landrum	Tobias
Chehardy	Landry, E. J.	Toca
Comar	LeBleu	Ullo
Corne	Leithman	Velazquez
Cowen	Lennox	Vesich
D'Gerolamo	Lowe	Vick
Dennery	Mire	Wall
Dennis	Munson	Warren
Derbes	Newton	Wattigny
Deshotels	O'Neill	Wisham
Dunlap	Pugh	Zervigon
Duval		
Flory		
Total—85.		

NOT VOTING

Delegates—	Haynes	Silverberg
Mr. Chairman	Lambert	Tapper
Aertker	Miller	Tate
Berry	Planchard	Weiss
Cannon	Shannon	Womack
Edwards		
Giarrusso		
Total—16.		

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Dennery, Stovall, Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 4, after "Section 7." delete the remainder of the line and delete lines 5 through 21, both inclusive in their entirety and insert in lieu thereof the following:

"Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain

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in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with the provisions of this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions and duties in effect when this constitution is adopted. Each of them, if its charter permits, shall also enjoy the right to any powers and functions granted to other local governmental subdivisions."

Delegate Conroy moved the adoption of the amendment.

Delegate Hayes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Perez
Abraham	Flory	Perkins
Alario	Fontenot	Rachal
Alexander	Fowler	Rayburn
Anzalone	Fulco	Reeves
Arnette	Ginn	Riecke
Asseff	Goldman	Robinson
Avant	Gravel	Roemer
Badeaux	Jack	Roy
Bel	Guarisco	Sandoz
Bergeron	Hardee	Schmitt
Blair	Haynes	Segura
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Carmouche	Jenkins	Stephenson
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Tapper
Comar	Kilpatrick	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Ullo
D'Gerolamo	Leigh	Velazquez
De Blieux	Leithman	Vesich
Dennery	Lennox	Vick
Dennis	Lowe	Wall
Derbes	McDaniel	Warren
Deshotels	Mauberrret	Wattigny
Drew	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Wisham
Edwards	Nunez	Womack
Elkins	O'Neill	Zervigon
Total—114.		

NAYS

Delegates—		
Gauthier	Pugh	Toomy
Hayes		
Total—4.		

NOT VOTING

Delegates—		
Aertker	Landrum	Shannon
Berry	Martin	Silverberg
Cannon	Miller	Tate
Giarrusso	Ourso	Weiss
Lambert	Planchard	
Total—14.		

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 7, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Perkins
Alario	Fontenot	Pugh
Alexander	Fowler	Rachal
Anzalone	Fulco	Rayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Riecke
Avant	Gravel	Robinson
Badeaux	Grier	Roemer
Bel	Guarisco	Roy
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Segura
Brien	Heine	Singletary
Brown	Hernandez	Slay
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Stinson
Chatelain	Kelly	Stovall
Chehardy	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lennox	Vesich
Dennis	Lowe	Vick
Derbes	McDaniel	Wall
Deshotels	Mauberrret	Warren
Drew	Mire	Wattigny
Dunlap	Munson	Willis
Duval	Newton	Wisham
Edwards	Nunez	Womack
Elkins	O'Neill	Zervigon
Fayard	Perez	
Total—113.		

NAYS

Delegates—		
Gauthier	Jenkins	Toomy
Total—3.		

NOT VOTING

Delegates—		
Mr. Chairman	Landrum	Silverberg
Aertker	Martin	Tate
Berry	Miller	Weiss
Cannon	Ourso	Winchester
Giarrusso	Planchard	
Lambert	Shannon	
Total—16.		

And the Chair declared that the above Section was passed.

Section 8. Home Rule Charter

Section 8. (A) Any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than fifteen percent of the electors, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted when approved by a majority of the electors who vote on the charter proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or this constitution. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, including Section 9 of this Article, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(G) The powers and functions of a parish or city school board and the offices of sheriff, clerk of the district court, coroner, or assessor shall not be affected by any provision of a home rule charter or plan of government adopted or amended under the provisions of this Section.

Read.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 22 through 32, both inclusive in their entirety and insert in lieu thereof the following:

"Section 8. Home Rule Charters; Adoption; Ratification of Existing Home Rule Charters

Section 8. Any local governmental subdivision may draft, adopt, or amend a charter for its own government to be known as a home rule charter. The legislature by general law shall provide the method by which a home rule charter may be drafted and adopted. A proposal to adopt, amend, repeal, or replace a home rule charter may be made by the governing authority of the local governmental subdivision or by petition of at least fifteen percent of the electors of the local governmental subdivision filed with the official having charge of elections in the local governmental subdivision setting forth the proposed charter or amendments. The governing authority shall provide by ordinance that the charter or the amendments so proposed shall be submitted to the electors at the next election held in the local governmental subdivision not less than sixty days after its passage, or if the petition requests it, at a special election held in the local governmental subdivision not less than sixty days nor more than ninety days after its adoption. Any charter or amendment thereto so approved shall become effective at the time and under the conditions fixed in the charter.

AMENDMENT No. 2—

On page 4, delete lines 1 through 32, both inclusive in their

entirety and on page 5 delete lines 1 through 13, both inclusive in their entirety

Delegate Pugh moved the adoption of the amendments.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Hernandez	Schmitt
Alexander	Jack	Segura
Avant	Jackson, A.	Singletary
Bergeron	Jackson, J.	Slay
Carmouche	Jenkins	Soniat
Champagne	Kelly	Stagg
Chehardy	Lambert	Stephenson
Cowen	Landrum	Stinson
D'Gerolamo	Leithman	Stovall
De Blieux	Martin	Thompson
Dunlap	Mire	Tobias
Flory	Munson	Toca
Fontenot	Newton	Velazquez
Fowler	O'Neill	Vesich
Ginn	Ourso	Vick
Goldman	Pugh	Warren
Gravel	Rachal	Wattigny
Guarisco	Reeves	Winchester
Hayes	Roemer	Wisham
Haynes	Roy	Womack
Total—60.		

NAYS

Delegates—		
Alario	Derbes	Lennox
Anzalone	Deshotels	Lowe
Arnette	Drew	McDaniel
Asseff	Duval	Mauberet
Badeaux	Elkins	Nunez
Bel	Fayard	Perez
Blair	Fulco	Perkins
Bollinger	Gauthier	Rayburn
Brien	Grier	Riecke
Brown	Hardee	Robinson
Burns	Heine	Sandoz
Burson	Juneau	Smith
Casey	Kean	Sutherland
Chatelain	Kilbourne	Tapper
Comar	Kilpatrick	Thistlethwaite
Conino	Landry, A.	Toomy
Conroy	Landry, E. J.	Ulio
Corne	Lanier	Wall
Dennery	LeBleu	Willis
Dennis	Leigh	Zervigon
Total—60.		

NOT VOTING

Delegates—		
Abraham	Edwards	Shannon
Aertker	Giarrusso	Silverberg
Berry	Miller	Tate
Cannon	Planchard	Weiss
Total—12.		

And the amendments were adopted.

Delegate Pugh moved to reconsider the vote by which the amendments were adopted, and to lay the motion to reconsider on the table.

Delegate Duval, objected to tabling the motion to reconsider.

By a vote of 46 yeas and 74 nays the Convention refused to table the motion to reconsider.

Delegate Burson insisted on the motion to reconsider the vote by which the amendment was adopted.

Delegate Smith moved the previous question on the motion.

Delegate Nunez objected.

By a vote of 7 yeas and 88 nays the Convention refused to order the previous question.

By a vote of 64 yeas and 48 nays the Convention reconsidered the vote by which the amendment was adopted.

Delegate Pugh moved the adoption of the amendment.

Delegate Perkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Hayes	Reeves
Avant	Haynes	Roy
Brien	Jack	Segura
Carmouche	Jackson, A.	Singletary
Champagne	Jackson, J.	Soniat
Chehardy	Jenkins	Stagg
D'Gerolamo	Lambert	Stephenson
De Blieux	Landrum	Stinson
Edwards	Landry, E. J.	Stovall
Flory	Leithman	Tobias
Fowler	Mire	Toca
Fulco	Munson	Velazquez
Ginn	Newton	Vick
Goldman	O'Neill	Warren
Gravel	Pugh	Wisham
Guarisco	Rachal	Womack
Total—48.		

NAYS

Delegates—		
Alario	Drew	Mauberret
Anzalone	Dunlap	Nunez
Arnette	Duval	Perez
Asseff	Elkins	Perkins
Badeaux	Fayard	Plancharde
Bel	Fontenot	Rayburn
Bergeron	Gauthier	Roemer
Blair	Grier	Sandoz
Bollinger	Hardee	Slay
Burns	Heine	Smith
Burson	Hernandez	Sutherland
Casey	Juneau	Tapper
Chatelain	Kean	Thistlethwaite
Comar	Kelly	Toomy
Conino	Kilpatrick	Ullo
Conroy	Landry, A.	Vesich
Corne	Lanier	Wall
Cowen	LeBleu	Wattigny
Dennery	Leigh	Willis
Dennis	Lennox	Winchester
Derbes	Lowe	Zervigon
Deshotels	McDaniel	
Total—65.		

NOT VOTING

Delegates—		
Abraham	Kilbourne	Schmitt
Aertker	Martin	Shannon
Alexander	Miller	Silverberg
Berry	Ourso	Tate
Brown	Riecke	Thompson
Cannon	Robinson	Weiss
Giarrusso		
Total—19.		

And the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean, the Convention altered the Order of Business to take up other Orders of Business at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate A. Jackson, chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

September 20, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

COMMITTEE PROPOSAL No. 20—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss:

A PROPOSAL

Making general provisions for elections.

By Substitute.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, September 27, 1973, at 9:00 o'clock A.M., in Committee Room No. 5 and will consider the following agenda:

AGENDA

1. Delegate Proposal No. 54—Juneau, Leithman, Corne
2. Delegate Proposal No. 66—Robinson
3. Delegate Proposal No. 92—Robinson
4. Delegate Proposal No. 3—Asseff

Respectfully submitted,

Delegate ROBERT AERTKER
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Friday, September 21, 1973, at 9:00 o'clock A.M., in Committee Room 5 and will consider the following agenda:

AGENDA

To consider the Committee's Proposal.

Respectfully submitted,

Delegate LOUIS LAMBERT
Chairman of the Committee
on Natural Resources

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will

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meet on Friday, September 21, 1973, at 9:00 o'clock A.M., in Committee Room 4 and will consider the following agenda:

AGENDA

Consideration of Committee Proposals Nos. 15 and 26.

Respectfully submitted,

Delegate B. B. RAYBURN
Chairman of the Committee
on Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Perez the rules were suspended in order to call a meeting of the Committee on Local and Parochial Government without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Friday, September 21, 1973, at 10:00 o'clock in Committee Room 1, and will consider the following agenda:

AGENDA

Continue to discuss Committee Proposal No. 17.

Respectfully submitted,

Delegate C. O. PEREZ
Chairman of the Committee
on Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Miller—3 days.
Delegate Wattigny—½ day.
Delegate Tate—1 day.
Delegate Cannon—Indefinite.

Adjournment

Mr. Perez moved that the Convention do now adjourn until Friday, September 21, 1973 at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, September 21, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FIFTY-FIRST DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, September 21, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock P.M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perez
Abraham	Fulco	Perkins
Aertker	Gauthier	Planchard
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hardee	Roemer
Badeaux	Hayes	Roy
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Singletary
Brown	Jackson, A.	Slay
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniat
Cannon	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lennox	Vesich
Dennis	Lowe	Vick
Derbes	McDaniel	Wall
Deshotels	Martin	Warren
Drew	Mauberret	Wattigny
Dunlap	Mire	Weiss
Duval	Munson	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Ourso	Zervigon
Fontenot		
Total—124.		

ABSENT

Delegates—		
Bel	Miller	Silverberg
Berry	Pugh	Thistlethwaite
Giarrusso	Shannon	
Total—8.		

The Chairman announced that there were 124 members present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Slay led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Lanier, the reading of the Journal was dispensed with.

On motion of Delegate Lanier, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 9—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for state city civil service.

Read.

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Education and Welfare to Committee Proposal No. 9 by Delegate Aertker et al.

Amend corrected, printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Carmouche, Corne, Cowen, Flory, Grier, Hernandez, Landry, Robinson, Toca, Wattigny, and Wisham"

AMENDMENT No. 2—

On page 6, line 29, after the word and punctuation "agencies;" delete the remainder of the line and delete lines 30 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"(5) one private secretary for the president of each college or university, one principal assistant or deputy, one attorney, and one person holding a confidential position to any officer, board, or commission mentioned in (1), (2) and (4), except the Department of State Civil Service and the departments of city civil service, provided no appointing authority shall be required to fill any of these positions with unclassified employees, but may assign the duties of any of them to a classified employee; (6) members of the military or naval forces; (7) the teaching, professional and administrative officers of all schools, colleges and universities of the state, and bona fide students of such institutions employed by any state agency; (8) officers and employees of the legislature and of the offices of the governor, lieutenant governor, attorney general, mayors of the several cities, and city attorneys, and the Board of Liquidation of the City Debt of New Orleans; (9) commissioners of elections and watchers; custodians and deputy custodians of voting machines; (10) all persons employed and deputies selected by sheriffs, clerks of court, police juries, assessors, coroners, recorders of mortgages, registrars of conveyances, district attorneys, constables of city courts, school boards, and courts of record; (11) registrars of voters and one chief deputy for each; (12) persons employed to make or conduct a special inquiry, investigation, examination, or installation if the governor or govern-

ing body of the city certifies that such employment is temporary and that the work should not be performed by the employees in the classified service, and if the commission approves such certifications; (13) special counsel and special prosecutors of any appointing authority, notaries public, referees, receivers, and jurors; (14) patient or inmate help in state or city charitable, penal, or correctional institutions; (15) persons temporarily retained or employed by a director of personnel for the purpose of conducting or assisting in examinations; (16) laborers and other workers employed and paid on an hourly, daily, or piecework basis, provided the inclusion of such persons in the unclassified service is requested by the appointing authority and approved by the appropriate commission; (17) persons employed to make or conduct a special inquiry, investigation, examination, or installation on behalf of the legislature or a committee thereof; and such persons employed by or on behalf of any other agency of the state or a city, provided that inclusion of such persons in the unclassified service is approved by the appropriate commission; (18) independent contractors employed to render services on a contractual basis, including independent contractual professional service."

AMENDMENT No. 3—

On page 7, delete lines 1 through 13, both inclusive, in their entirety

AMENDMENT No. 4—

On page 8, line 19, after "service-connected;" and before the words "to the spouse" insert the word "or"

AMENDMENT No. 5—

On page 9, line 12, at the beginning of the line, after the word "Layoffs" insert a semicolon ";"

AMENDMENT No. 6—

On page 10, line 28, after the words "against him" and before the words "been served" delete the word "have" and insert in lieu thereof the word "has"

AMENDMENT No. 7—

On page 11, line 14, at the beginning of the line, delete the word "promoton" and insert in lieu thereof the word "promotion"

AMENDMENT No. 8—

On page 12, line 22, after the word "in" and before the word "city" insert the words "state or"

AMENDMENT No. 9—

On page 13, line 1, at the beginning of the line, after the words "sion and" and before the word "city" delete the word "the" and insert in lieu thereof the word "any"

AMENDMENT No. 10—

On page 13, line 14, at the beginning of the line, delete the word "Acquisitions" and insert in lieu thereof the word "Acquisition"

AMENDMENT No. 11—

On page 13, line 15, at the beginning of the line, after the word "employee" and before the words "who has" delete the words "of a city"

AMENDMENT No. 12—

On page 13, line 31, at the end of the line, delete the words and punctuation "and fiscal session,"

AMENDMENT No. 13—

On page 14, line 5, at the end of the line, delete the words "or fiscal"

AMENDMENT No. 14—

On page 14, line 25, at the beginning of the line, delete the word "of" and insert in lieu thereof the word "or"

AMENDMENT No. 15—

On page 15, line 21, after the word "Section" and before the word "prevent" remove the word "shal" and insert in lieu thereof the word "shall"

AMENDMENT No. 16—

On page 15, line 27, after the word "manner" and before the words "now or" delete the words "that may"

AMENDMENT No. 17—

On page 15, line 28, after the word "hereafter" and before the word "provided" delete the word "be"

On motion of Delegate Aertker the amendments were adopted.

On motion of Delegate Aertker the Proposal, as amended, was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 10—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlewaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for municipal fire and police civil service.

Read.

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Education and Welfare to Committee Proposal No. 10 by Delegate Aertker, et al.

Amend corrected printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following: "Corne, Cowen, Flory, Grier, Landry, Leithman, Rachal, Robinson, Wattigny, and Wisham"

On motion of Delegate Aertker the amendment was adopted.

On motion of Delegate Aertker the Proposal as amended, was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 20—

Introduced by Delegate A. Jackson, Chairman, on behalf of the Committee on Bill of Rights and Elections and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall, and Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Reported by substitute by the Committee on Bill of Rights and Elections.

The title to the substitute was read as follows:

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Read.

On motion of Delegate Jackson the substitute was adopted.

On motion of Delegate Jackson, and under a suspension of the rules, the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 1—

Introduced by Dr. Asseff:

A PROPOSAL

For supplemental pay increases for state policemen.

Read.

Reported unfavorably by the Committee on Education and Welfare.

On motion of Delegate Aertker the Proposal was withdrawn.

DELEGATE PROPOSAL No. 27—

Introduced by Delegate Dennery:

A PROPOSAL

To establish state and city civil service.

Read.

Reported unfavorably by the Committee on Education and Welfare.

Delegate Flory moved that the Proposal be withdrawn.

As a substitute Delegate Dennery moved that the Proposal be engrossed and passed to its third reading.

Delegate Flory objected.

The vote recurred on the substitute motion.

By a vote of 67 yeas and 40 nays the Convention ordered to Proposal engrossed and passed to its third reading.

Delegate Dennery moved to reconsider the vote by which the Proposal was ordered engrossed and passed to its third reading, and on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 28—

Introduced by Delegate Dennery:

A PROPOSAL

Relative to transition for members of the State Civil Service Commission.

Read.

Reported unfavorably by the Committee on Education and Welfare.

Delegate Flory moved that the Proposal be withdrawn.

As a substitute Delegate Dennery moved that the Proposal be engrossed and passed to its third reading.

The vote recurred on the substitute motion.

By a vote of 66 yeas and 45 nays the Convention ordered the Proposal engrossed and passed to its third reading.

On motion of Delegate Dennery the vote by which the Proposal was ordered engrossed and passed to its third reading, and on his own motion, the motion to reconsider was laid on the table.

DELEGATE PROPOSAL No. 65—

Introduced by Delegate Roy:

A PROPOSAL

Making provisions regarding civil service employment.

Read.

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Education and Welfare to Delegate Proposal No. 65 by Delegate Roy.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, line 11 after the words "may be" delete the remainder of the line and insert in lieu thereof the following: "subjected to disciplinary action except for just cause and without"

On motion of Delegate Roy the amendment was adopted.

On motion of Delegate Roy the Proposal, as amended, was ordered engrossed and passed to its third reading.

Unfinished Business

The following unfinished business in which the Convention

was engaged at the time of its adjournment on yesterday was taken up and acted on:

Resolutions Delegate and Committee

The following entitled Delegate and Committee Resolutions were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Section 8. Home Rule Charter

Section 8. (A) Any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than fifteen percent of the electors who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted when approved by a majority of the electors who vote on the charter proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or this constitution. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, including Section 9 of this Article, unless the exercise of such powers and functions is prohibited by its charter.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 8, when it adjourned on Thursday, September 20, 1973, which was, taken up and acted upon as follows:

Delegate Roemer sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Roemer, Kelly, Ginn, Mire, Stovall, Brown, Edwards, Flory, A. Jackson, Fulco, Avant, Leithman, Newton, and Bergeron Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 22 through 32, both inclusive in their entirety, and insert in lieu thereof the following:

"Section 8. Home Rule Charters

Section 8. Except as may be inconsistent with the provisions of this constitution, any local governmental subdivision or subdivisions may draft, adopt, amend, or repeal a home rule charter. A proposal to adopt, amend or repeal a home rule charter may be made by the governing authority or by petition of at least ten percent of the electors or ten thousand electors, which ever is the lesser, of the governmental subdivision or subdivisions affected thereby. Such proposal shall be filed with the officials having charge of election and with the governing authority. It shall fully set forth the proposed charter, amendment or other proposal. The governing authority shall provide by ordinance that the proposal shall be submitted to the electors at the next scheduled election held in the local governmental subdivision or subdivisions not less than sixty days after its passage, or, if requested in the petition, at a special election held not less than sixty days nor more than ninety days after adoption of the ordinance. Any such charter, amendment, or repeal shall become effective upon the approval of a majority of those electors voting of the governmental subdivision or subdivisions affected thereby."

AMENDMENT No. 2—

On page 4, delete lines 1 through 32, both inclusive in their entirety and one page 5, delete lines 1 through 13, both inclusive in their entirety.

Delegate Roemer moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Guarisco	Roemer
Aertker	Hayes	Roy
Alexander	Jack	Schmitt
Avant	Jackson, A.	Segura
Blair	Jackson, J.	Singletary
Brien	Jenkins	Slay
Brown	Kelly	Soniati
Cannon	Lambert	Stephenson
D'Gerolamo	Landrum	Tate
De Blieux	Landry, E. J.	Thompson
Dunlap	Leithman	Tobias
Edwards	Martin	Toca
Flory	Mire	Ullo
Fontenot	Newton	Velazquez
Fowler	O'Neill	Vick
Fulco	Ourso	Warren
Ginn	Rachal	Wattigny
Goldman	Reeves	Wisham
Gravel	Robinson	Womack
Total—57.		

NAYS

Delegates—

Abraham	Bollinger	Comar
Alario	Burns	Conino
Anzalone	Burson	Conroy
Arnette	Carmouche	Corne
Asseff	Casey	Cowen
Badeaux	Champagne	Dennery
Bergeron	Chatelain	Dennis

Derbes	Kilpatrick	Sadnoz
Deshotels	Landry, A.	Smith
Drew	Lanier	Stagg
Duval	LeBleu	Stinson
Elkins	Leigh	Sutherland
Fayard	Lennox	Tapper
Gauthier	Lowe	Toomy
Grier	McDaniel	Wall
Hardee	Nunez	Weiss
Heine	Perez	Willis
Hernandez	Perkins	Winchester
Juneau	Planchard	Zervigon
Kean	Rayburn	
Kilbourne	Riecke	
Total—61.		

NOT VOTING

Delegates—

Bel	Mauberret	Silverberg
Berry	Miller	Stovall
Chehardy	Munson	Thistlethwaite
Giarrusso	Pugh	Vesich
Haynes	Shannon	
Total—14.		

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jackson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Bergeron and J. Jackson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, immediately after the word "than" and before the word "percent" delete the word "fifteen" and insert in lieu thereof the word "ten"

AMENDMENT No. 2—

On page 4, line 2, immediately after the word "electors" and before the word "who" delete the comma "," and insert in lieu thereof the following:

"or ten thousand electors, which ever is the lesser,"

Delegate J. Jackson moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 102 yeas, and 11 nays the amendments were adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 3, line 23, after "(A)" delete the word "Any" and insert in lieu thereof the following:

"Subject to and not inconsistent with the provisions of this constitution, any"

Delegate Gravel moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PAGE 5

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YEAS

Delegates— Mr. Chairman Aertker Alario Alexander Arnette Asseff Avant Badeaux Blair Brien Brown Burns Carmouche Casey Champagne Chehardy Comar Conroy Corne Cowen D'Gerolamo De Blieux Dennery Dennis Drew Dunlap Edwards Elkins Flory Fontenot Total—89.	Fowler Fulco Gauthier Goldman Gravel Guarisco Hardee Hernandez Jack Jackson, A. Jackson, J. Jenkins Juneau Kilbourne Kilpatrick Landrum Landry, A. Landry, E. J. LeBleu Leigh Leithman Lowe Martin Mire Newton O'Neill Rachal Rayburn Reeves Robinson	Roemer Roy Sandoz Schmitt Segura Singletary Slay Smith Soniati Stephenson Stinson Sutherland Tate Thompson Tobias Toca Toomy Ullo Velazquez Vesich Vick Wall Warren Wattigny Weiss Willis Winchester Wisham Zervigon
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NAYS

Delegates— Abraham Anzalone Bollinger Burson Cannon Chatelain Conino Deshotels Duval Total—25.	Fayard Grier Hayes Heine Kean Lambert Lanier Lennox	McDaniel Nunez Ourso Perez Perkins Planchard Riecke Stagg
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NOT VOTING

Delegates— Bel Bergeron Berry Derbes Giarrusso Ginn Total—18.	Haynes Kelly Mauberret Miller Munson Pugh	Shannon Silverberg Stovall Tapper Thistlethwaite Womack
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And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, before the word "by" delete the words "not denied" and insert in lieu thereof the word "authorized"

Delegate Jenkins moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates— Mr. Chairman Aertker Alexander Avant Bergeron Blair Cannon Champagne Chehardy Comar D'Gerolamo De Blieux Dunlap Edwards Flory Fulco Ginn Total—49.	Gravel Guarisco Hayes Jackson, A. Jackson, J. Jenkins Kelly Landry, E. J. Leithman Mire Newton O'Neill Rachal Rayburn Reeves Roemer	Roy Singletary Slay Soniati Stephenson Stinson Tate Thompson Tobias Toca Velazquez Vesich Vick Wall Warren Wisham
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NAYS

Delegates— Abraham Alario Anzalone Arnette Asseff Badeaux Bollinger Brien Brown Burns Burson Carmouche Casey Chatelain Conino Conroy Corne Dennery Dennis Derbes Deshotels Drew Total—65.	Duval Elkins Fayard Fowler Gauthier Goldman Grier Heine Hernandez Jack Juneau Kean Kilbourne Kilpatrick Lambert Landry, A. Laneir LeBleu Leigh Lennox Lowe McDaniel	Martin Mauberret Nunez Ourso Perez Perkins Planchard Riecke Sandoz Schmitt Segura Smith Stagg Sutherland Tapper Toomy Wattigny Weiss Willis Winchester Zervigon
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NOT VOTING

Delegates— Bel Berry Cowan Fontenot Giarrusso Hardee Total—18.	Haynes Landrum Miller Munson Pugh Robinson	Shannon Silverberg Stovall Thistlethwaite Ullo Womack
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And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, after the word "or" and before the word "this" insert the words "inconsistent with any provision of"

Delegate Gravel moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 78 yeas and 22 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 1, at the end of the line change the period "." to a comma "," and add the following: "except that the legislature may by general law, applicable throughout the state or based upon reasonable classifications of local governmental subdivisions, enact legislation modifying home rule charters if necessary to correct gross inequities or to prevent unreasonable discrimination."

Delegate Dennis moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 18 yeas and 87 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, at the end of line 3, add the following: "In addition, a proposal to adopt, amend, or repeal a home rule charter may be made by the governing authority or by petition of at least ten percent of the electors or ten thousand electors, which ever is the lesser, of the governmental subdivision or subdivisions affected thereby."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 40 yeas and 67 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 4, after the word "adopted" and before the word "when" insert the following:

" , amended, or repealed"

AMENDMENT No. 2—

On page 4, line 5, after the words "on the" and before the partial word "pro-" delete the word "charter"

On motion of Delegate J. Jackson the amendments were adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Arnette to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, line 6, immediately before the word "unless" delete the following: "including Section 9 of this Article,"

On motion of Delegate Champagne, the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, A. Landry, Martin, Edwards, Mire to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 9 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"(G) No home rule charter shall contain any provisions affecting any of the following offices: judge or justice of any district, appellate, or supreme court, district attorney, parish or city school board, sheriff, clerk of the district court, coroner, or assessor, which is inconsistent with the constitution or any law now or hereafter enacted."

On motion of Delegate Gravel the amendment was withdrawn.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Leave of Absence

Delegate Bel—2 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, September 22, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, September 22, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

FIFTY-SECOND DAYS PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, September 22, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names.

PRESENT

Delegates—	Flory	Perez
Mr. Chairman	Fontenot	Perkins
Abraham	Fulco	Planchard
Aertker	Gauthier	Rayburn
Alario	Ginn	Reeves
Alexander	Goldman	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Hayes	Sandoz
Badeaux	Haynes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Singletary
Bollinger	Jack	Smith
Brien	Jackson, A.	Soniat
Brown	Jackson, J.	Stephenson
Burns	Juneau	Stinson
Burson	Kean	Sutherland
Cannon	Kelly	Tapper
Carmouche	Kilpatrick	Tate
Casey	Lambert	Thistlethwaite
Champagne	Landrum	Thompson
Chatelain	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	LeBleu	Toomy
Conroy	Leigh	Uilo
Corne	Leithman	Velazquez
Cowen	Lennox	Vesich
D'Gerolamo	Lowe	Vick
De Blieux	McDaniel	Wall
Dennery	Martin	Warren
Dennis	Mauberret	Wattigny
Derbes	Mire	Weiss
Deshotels	Munson	Willis
Drew	Newton	Winchester
Dunlap	Nunez	Wisham
Duval	O'Neill	Zervigon
Elkins	Ourso	
Fayard		
Total—113.		

ABSENT

Delegates—	Jenkins	Silverberg
Bel	Kilbourne	Slay
Berry	Landry, A.	Stagg
Chehardy	Miller	Stovall
Edwards	Pugh	Womack
Fowler	Rachal	
Giarrusso	Shannon	
Hardee		
Total—19.		

The Chairman announced that there were 113 members present and a quorum.

Prayer

Prayer was offered by Delegate Goldman.

Pledge of Allegiance

Delegate Kelly led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Stephenson, the reading of the Journal was dispensed with.

On motion of Delegate Stephenson, the Journal of yesterday was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals
Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Uilo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Section 8. Home Rule Charter

Section 8. (A) Any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter, or alternate charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than fifteen percent of the electors who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted when approved by a majority of the electors who vote on the charter proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or this constitution. The legislature

shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, including Section 9 of this Article, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(G) The powers and functions of a parish or city school board and the offices of sheriff, clerk of the district court, coroner, or assessor shall not be affected by any provision of a home rule charter or plan of government adopted or amended under the provisions of this Section.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 8, when it adjourned on Friday, September 17, 1973, which was taken up and acted upon as follows:

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant and Dennis to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

ON page 5, delete lines 9 through 13, in their entirety and insert in lieu thereof the following:

“(G) The structure and organization, the powers and functions and/or the particular distribution and redistribution of the powers and functions of a parish or city school board, any court or its clerk or other personnel, the clerk of a district court, the offices of sheriff, coroner, district attorney, or assessor shall not be affected by any provision of a home rule charter or plan of government adopted or amended under the provisions of this Section.”

Delegate Avant moved the adoption of the amendment

Delegate Perez objected.

By a vote of 23 yeas and 71 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Dennis objected to tabling the motion to reconsider.

By a vote of 69 yeas and 24 nays and the motion to reconsider was tabled.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 9 through 13, both inclusive, in their entirety

Delegate Abraham moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 15 yeas and 80 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, A. Landry, Martin, Edwards, Mire to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, strike out lines 9 through 13 both inclusive in their entirety and insert the following:

“(G) No home rule charter or plan of local government shall contain any provision inconsistent with this constitution or any law now or hereafter enacted which affects the offices of district attorney, sheriff, assessor, clerk of a district court, coroner, parish school board, or city school board.”

Delegate Gravel moved the adoption of the amendment.

Delegate Willis objected.

By a vote of 92 yeas and 9 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 13 and 14, add the following paragraph:

“(H) The provisions of this Section shall not apply to any local governmental subdivision covered by Section 7 of this Article unless its charter permits, or unless its charter is repealed.”

On motion of Delegate Dennery the amendment was withdrawn.

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 9 through 13, both inclusive, in their entirety, and strike out Convention Floor Amendment No. 1 proposed by Delegate Gravel, et al., and adopted by the Convention on September 22, 1973, and insert in lieu thereof the following:

“(G) No constitutional office or the powers and functions exercised by it shall be affected by the provisions of this Section.”

Delegate Champagne moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 21 yeas and 76 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennis and Tate to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 3

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AMENDMENT No. 1—

On page 5, between lines 13 and 14, add the following:

“(H) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.”

Delegate Dennis moved the adoption of the amendment.

Delegate Schmitt objected.

By a vote of 96 yeas and 3 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Kelly to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 22 through 32, both inclusive, in their entirety, including all Convention Floor Amendments thereto and insert in lieu thereof the following:

“Section 8. Home Rule Charters

Section 8. (A) Except as may be inconsistent with the provisions of this constitution, any local governmental subdivision or contiguous subdivisions may draft, adopt, amend, or repeal a home rule charter.

(B) A proposal to adopt, amend, or repeal a home rule charter may be made by the governing authority or by petition of at least ten percent of the electors or ten thousand electors, which ever is the lesser, of the governmental subdivision or subdivisions affected thereby, except as otherwise provided in existing home rule charters.

(C) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provision of this Section provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof.

(D) Such proposal shall be filed with the officials having charge of election and with the governing authority. It shall fully set forth the proposed charter, amendment, or other proposal. The governing authority shall provide by ordinance that the proposal shall be submitted to the governmental subdivision or subdivisions not less than sixty days after its passage, or, if requested in the petition, at a special election held not less than sixty days nor more than ninety days after adoption of the ordinance. Any such charter, amendment, or repeal shall become effective upon the approval of a majority of the electors voting in the governmental subdivision or subdivisions affected thereby.

(E) The legislature shall provide for the method of appointment or election of a commission to prepare and propose such charter or charters.

(F) The legislature shall not pass any law which changes or modifies either the structure or organization of any such local governmental subdivision which operates under a home rule charter, except as otherwise provided in this constitution.”

AMENDMENT No. 2—

On page 4, delete lines 1 through 32, both inclusive, in their entirety and on page 5, delete lines 1 through 13, both inclusive, in its entirety including all Convention Floor Amendments thereto.

Delegate Kelly moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker
Avant
Blair
Brien
De Blieux
Dunlap
Flory
Fulco
Ginn
Goldman
Gravel
Total—32.

Guarisco
Jackson, A.
Jackson, J.
Kelly
Lambert
Landrum
Landry, E. J.
Leithman
Mire
Munson
Newton

Reeves
Robinson
Roemer
Roy
Stephenson
Tate
Tobias
Velazquez
Warren
Wisham

NAYS

Delegates—

Abraham
Alario
Alexander
Anzalone
Arnette
Asseff
Badeaux
Bollinger
Burns
Burson
Cannon
Casey
Champagne
Chatelain
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
Dennery
Dennis
Derbes
Deshotels
Drew
Total—75.

Duval
Elkins
Fayard
Fontenot
Gauthier
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jeanau
Kean
Kilpatrick
Lanier
LeBleu
Leigh
Lennox
Lowe
McDaniel
Martin
Maubertret
Nunez
Ourso

Perez
Perkins
Planchard
Riecke
Sandoz
Schmitt
Segura
Singletary
Smith
Soniati
Stinson
Sutherland
Tapper
Thompson
Toca
Toomy
Ullo
Vesich
Vick
Wall
Wattigny
Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Bel
Bergeron
Berry
Brown
Carmouche
Chehardy
Edwards
Fowler
Total—25.

Giarrusso
Jenkins
Kilbourne
Landry, A.
Miller
O'Neill
Pugh
Rachal

Rayburn
Shannon
Silverberg
Slay
Stagg
Stovall
Thistlethwaite
Womack

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 8, was read as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Badeaux

Bollinger
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain

Comar
Conino
Conroy
Corne
Cowen
Dennery
Derbes
Deshotels

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Drew
Duval
Elkins
Fayard
Fontenot
Gauthier
Goldman
Grier
Hardee
Heine
Hernandez
Jack
Juneau
Kean
Kilpatrick
Total—69.

Lanier
LeBleu
Leigh
Lennox
Lowe
McDaniel
Martin
Mauberrret
Nunez
Ourso
Perez
Perkins
Planchard
Riecke
Sandoz

Schmitt
Singletary
Smith
Soniat
Stinson
Sutherland
Tapper
Thompson
Toomy
Vesich
Vick
Weiss
Willis
Winchester
Zervigon

NAYS

Delegates—
Mr. Chairman
Avant
Bergeron
Blair
Brien
De Blieux
Dunlap
Flory
Fulco
Ginn
Gravel
Guarisco
Hayes
Total—37.

Haynes
Jackson, A.
Jackson, J.
Kelly
Lambert
Landrum
Landry, E. J.
Leithman
Mire
Newton
Robinson
Roemer

Roy
Segura
Stephenson
Tate
Tobias
Toca
Ullo
Velazquez
Wall
Warren
Wattigny
Wisham

NOT VOTING

Delegates—
Bel
Berry
Brown
Chehardy
D'Gerolamo
Dennis

Edwards
Fowler
Giarrusso
Jenkins
Kilbourne
Landry, A.

Miller
Munson
O'Neill
Pugh
Rachal
Rayburn

Reeves
Shannon
Silverberg
Total—26.

Slay
Stagg
Stovall

Thistlethwaite
Womack

And the Chair declared that the above Section was passed.

Motion

Delegate Arnette moved that the Convention take up other Orders of Business at this time.

Delegate Dennis objected.

By a vote of 70 yeas and 27 nays the Convention took up other orders of business.

Leave of Absence

Delegate Stagg—1 day.
Delegate Fowler—1 day.
Delegate Jenkins—1 day.
Delegate A. Landry—1 day.
Delegate Chehardy—1 day.
Delegate Giarrusso—Indefinite.
Delegate Rachal—1 day.
Delegate Kilbourne—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Tuesday, September 25, 1973, at 1:00 o'clock P.M.

As as substitute Delegate Bollinger moved that the Convention do now adjourn until Tuesday, September 25, 1973, at 9:00 o'clock A.M.

The vote recurred on the longest period of time.

By a vote of 65 yeas and 34 nays the Convention adjourned until Tuesday, September 25, 1973, at 1:00 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Tuesday, September 25, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FIFTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, September 25, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perez
Abraham	Fowler	Perkins
Aertker	Fulco	Planchard
Alario	Gauthier	Rayburn
Alexander	Ginn	Reeves
Anzalone	Goldman	Robinson
Arnette	Gravel	Roemer
Asseff	Grier	Roy
Avant	Guarisco	Sandoz
Badeaux	Hardee	Schmitt
Bergeron	Hayes	Shannon
Blair	Haynes	Singletary
Bollinger	Heine	Slay
Brien	Hernandez	Smith
Brown	Jackson, J.	Soniat
Burns	Jenkins	Stagg
Burson	Juneau	Stephenson
Cannon	Kean	Stoval
Carmouche	Kelly	Sutherland
Casey	Kilbourne	Tapper
Champagne	Kilpatrick	Thistlethwaite
Chatelain	Landrum	Thompson
Chehardy	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	Leithman	Toomy
Conroy	Lennox	Velazquez
Corne	Lowe	Vesich
Cowen	McDaniel	Vick
De Blieux	Martin	Wall
Dennery	Mauberrrett	Warren
Deshotels	Miller	Wattigny
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Edwards	Nunez	Wisham
Elkins	O'Neil	Wornack
Fayard	Ourso	Zervigon
Flory		
Total—112.		

ABSENT

Delegates—		
Bel	Jackson, A.	Riecke
Berry	Lambert	Segura
D'Gerolamo	Landry, A.	Silverberg
Dennis	LeBleu	Stinson
Derbes	Leigh	Tate
Giarrusso	Pugh	Uilo
Jack	Rachal	
Total—20.		

The Chairman announced that there were 112 members
present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Shannon led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal was
dispensed with.

On motion of Delegate Roy, the Journal of yesterday was
adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on.

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zer-
vigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 17 when it adjourned
on Saturday, September 22, 1973, which was taken up and
acted upon as follows:

Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Any other local governmental subdivision
may exercise any power and perform any function neces-
sary, requisite, or proper for the management of its affairs
not denied to it by its charter, by this constitution, or by
general law, including but not limited to the power (1) to
legislate upon, regulate, conduct, and control all matters of
local governmental administration; (2) to define the powers,
duties, and qualifications of parochial or municipal employees;
(3) to provide for the protection of the public health, safety,
morals, and welfare; (4) to create special districts; (5) to
license; (6) to tax under the limitations provided in this con-
stitution or by general law; (7) to incur debt and issue bonds,
except as otherwise provided in this constitution.

(B) Any local governmental subdivision may exercise any
power or perform any function concurrently with the state
pertaining to its government and affairs to the extent that
the legislature by general law does not specifically limit the
concurrent exercise of any such power or performance of any
such function or specifically declare the state's exercise of
any such power or performance of any such function to be
exclusive except as provided in this Article.

(C) The powers granted in this Section shall not be con-
strued to affect the powers and functions of a parish or city
school board and the offices of sheriff, clerk of a district
court, coroner, or assessor.

Read.

Delegate Conroy sent up floor amendments, which were
read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Conroy to Committee
Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed Proposal as follows:

PAGE 2

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AMENDMENT No. 1—

On page 5, delete lines 17 through 28, both inclusive, and insert in lieu thereof the following:
"shall have such powers as shall be provided by this constitution or by law."

AMENDMENT No. 2—

On page 5, delete lines 29 through 32, both inclusive and on page 6, delete lines 1 through 4

AMENDMENT No. 3—

On page 6, delete lines 5 through 8, both inclusive, in their entirety

Delegate Tobias moved the previous question on the amendments.

Delegate Lanier objected.

By a vote of 10 yeas and 81 nays the Convention refused to order the previous question at this time.

Delegate Conroy moved the adoption of the amendments.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Alexander
Avant
Bergeron
Blair
Brien
Cannon
Champagne
Chehardy
Comar
Conroy
De Blieux
Dunlap
Flory
Fowler
Fulco
Ginn

Goldman
Gravel
Guarisco
Hayes
Haynes
Jackson, J.
Jenkins
Kelly
Kilpatrick
Landrum
Landry, E. J.
Leithman
Mire
Munson
Newton
O'Neill
Rayburn

Robinson
Roemer
Roy
Shannon
Slay
Soniati
Stephenson
Stoval
Tapper
Thompson
Tobias
Toca
Vesich
Vick
Warren
Wisham
Womack

Total—51.

NAYS

Delegates—

Abraham
Alario
Anzalone
Arnette
Asseff
Badeaux
Bollinger
Brown
Burns
Burson
Carmouche
Casey
Chatelain
Conino
Corne
Cowen
Dennery
Deshotels
Total—53.

Drew
Duval
Elkins
Fontenot
Gauthier
Grier
Hardee
Heine
Hernandez
Juneau
Kean
Kilbourne
Lanier
Lennox
Lowe
McDaniel
Mauberret
Miller

Nunez
Perez
Perkins
Planchard
Sandoz
Schmitt
Singletary
Smith
Stagg
Sutherland
Toomy
Velazquez
Wattigny
Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Aertker
Bel
Berry
D'Gerolamo

Dennis
Derbes
Edwards
Fayard

Giarrusso
Jack
Jackson, A.
Lambert

Landry, A.
LeBleu
Leigh
Martin
Ourso
Pugh

Rachal
Reeves
Riecke
Segura
Silverberg
Stinson

Tate
Thistlethwaite
Ullo
Wall

Total—28.

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 16, after "(A)" delete the word "Any" and insert in lieu thereof "Subject to and not inconsistent with any provision of this constitution, any" and on line 19 after the word and punctuation "charter," delete the words and punctuation "by this constitution,"

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

Amendment proposed by Delegate Bollinger to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 20, after the word "law" change the comma "," to a period "." and delete the remainder of the line and delete lines 21 through 28 both inclusive in their entirety.

On motion of Delegate Bollinger the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 19, immediately after the words "to it" and before the words "by this" delete the words and punctuation "by its charter,"

On motion of Delegate Arnette the amendment was withdrawn.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 20, after the words "general law" delete the period "." inserted by Floor Amendment No. 1, proposed by Delegate Bollinger and adopted by the convention on September 25, 1973, and add the following:
"or preempted by general law."

AMENDMENT No. 2—

On page 5, delete lines 29 through 32, both inclusive in their entirety, and on page 6 delete lines 1 through 4, both inclusive in their entirety.

On motion of Delegate Champagne a division of the question was ordered.

Delegate Jenkins moved the adoption of the amendment No. 1.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Hayes	Roemer
Alexander	Haynes	Roy
Avant	Jackson, J.	Slay
Chehardy	Jenkins	Soniat
Comar	Kelly	Stephenson
Conroy	Kilpatrick	Stovall
De Blieux	Landrum	Tobias
Dunlap	Landry, E. J.	Toca
Flory	Leithman	Vesich
Ginn	Mire	Vick
Gravel	Newton	Warren
Guarisco	O'Neill	Wisham
Total—36.		

NAYS

Delegates—

Abraham	Drew	Perez
Anzalone	Duval	Perkins
Arnette	Elkins	Planchard
Asseff	Fontenot	Rayburn
Badeaux	Fowler	Robinson
Bergeron	Fulco	Sandoz
Blair	Gauthier	Schmitt
Bollinger	Grier	Shannon
Brown	Hardee	Singletary
Burns	Heine	Smith
Burson	Hernandez	Stagg
Cannon	Juneau	Sutherland
Carmouche	Kean	Tapper
Casey	Kilbourne	Thompson
Champagne	Lanier	Toomy
Chatelain	Lennox	Wattigny
Conino	Lowe	Weiss
Corne	McDaniel	Willis
Cowen	Mauberret	Winchester
Dennery	Miller	Zervigon
Deshotels	Nunez	
Total—62.		

NOT VOTING

Delegates—

Mr. Chairman	Jack	Reeves
Aertker	Jackson, A.	Riecke
Bel	Lambert	Segura
Berry	Landry, A.	Silverberg
Brien	LeBleu	Stinson
D'Gerolamo	Leigh	Tate
Dennis	Martin	Thistlethwaite
Derbes	Munson	Ullo
Edwards	Ourso	Velazquez
Fayard	Pugh	Wall
Giarrusso	Rachal	Womack
Goldman		
Total—34.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of the amendment No. 2.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Guarisco	Robinson
Alario	Hayes	Roemer
Avant	Haynes	Roy
Blair	Jackson, J.	Soniat
Champagne	Jenkins	Stephenson
Chehardy	Kilpatrick	Stovall
Conroy	Landrum	Tobias
De Blieux	Landry, E. J.	Toca
Dunlap	Leithman	Vick
Flory	Mire	Warren
Ginn	Newton	Wisham
Gravel	O'Neill	
Total—35.		

NAYS

Delegates—

Abraham	Duval	Nunez
Alexander	Elkins	Perez
Anzalone	Fontenot	Perkins
Arnette	Fowler	Planchard
Asseff	Fulco	Rayburn
Badeaux	Gauthier	Sandoz
Bergeron	Grier	Schmitt
Bollinger	Hardee	Shannon
Burns	Heine	Singletary
Burson	Hernandez	Slay
Cannon	Juneau	Smith
Carmouche	Kean	Stagg
Casey	Kelly	Sutherland
Chatelain	Kilbourne	Thompson
Comar	Lanier	Toomy
Conino	Lennox	Wattigny
Corne	Lowe	Weiss
Cowen	McDaniel	Willis
Dennery	Mauberret	Winchester
Deshotels	Miller	Zervigon
Drew		
Total—61.		

NOT VOTING

Delegates—

Aertker	Jack	Riecke
Bel	Jackson, A.	Segura
Berry	Lambert	Silverberg
Brien	Landry, A.	Stinson
Brown	LeBleu	Tapper
D'Gerolamo	Leigh	Tate
Dennis	Martin	Thistlethwaite
Derbes	Munson	Ullo
Edwards	Ourso	Velazquez
Fayard	Pugh	Vesich
Giarrusso	Rachal	Wall
Goldman	Reeves	Womack
Total—36.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete line 5 in its entirety and insert in lieu thereof the following:

"(C) Nothing contained in this Section shall be con—"

AMENDMENT No. 2—

On page 6, line 7, immediately after the words "offices of" and before the word "sheriff" insert the words and punctuation "district attorney."

On motion of Delegate Gravel the amendments were adopted.

Delegate Gravel moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias moved the previous question on the entire subject matter.

Delegate Arnette objected.

By a vote of 17 yeas and 71 nays the Convention refused to order the previous question.

Passage

Committee Proposal No. 17, Section 9, was read, as amended.

Delegate Lanier moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Drew	Nunez
Aertker	Duval	Perez
Anzalone	Elkins	Perkins
Arnette	Fayard	Planchar
Asseff	Fontenot	Sandoz
Badeaux	Gauthier	Schmitt
Bergeron	Grier	Singletary
Bollinger	Hardee	Slay
Brown	Heine	Smith
Burns	Hernandez	Stagg
Burson	Juneau	Sutherland
Carmouche	Kean	Thistlethwaite
Casey	Kilbourne	Thompson
Champagne	Lanier	Toomy
Chatelain	Lennox	Wattigny
Conino	Lowe	Weiss
Corne	McDaniel	Willis
Cowen	Mauberrret	Winchester
Dennery	Miller	Zervigon
Deshotels		
Total—58.		

NAYS

Delegates—

Alario	Guarisco	Roemer
Alexander	Hayes	Roy
Avant	Haynes	Shannon
Blair	Jackson, J.	Soniati
Brien	Jenkins	Stephenson
Chehardy	Keily	Stovall
Comar	Kilpatrick	Tapper
Conroy	Landrum	Tobias
De Blieux	Landry, E. J.	Toca
Dunlap	Leithman	Vesich
Flory	Mire	Vick
Fowler	Newton	Wall
Fulco	Rayburn	Warren
Ginn	Robinson	Wisham
Gravel		
Total—43.		

NOT VOTING

Delegates—

Mr. Chairman	Derbes	Lambert
Bei	Edwards	Landry, A.
Berry	Giarrusso	LeBieu
Cannon	Goldman	Leigh
D'Gerolamo	Jack	Martin
Dennis	Jackson, A.	Munson

O'Neill
Ourso
Pugh
Rachal
Reeves

Total—31.

Failed to pass.

Delegate Kean moved to reconsider the vote by which the Section failed to pass on the next convention day.

Delegate Conroy moved to table the motion to reconsider.

Delegate Perez objected.

By a vote of 41 yeas and 58 nays the Convention refused to table the motion to reconsider.

Motion to reconsider pending.

Section 10. Powers of Local Governmental Subdivisions; Liberal Construction

Section 10. Powers and functions of local governmental subdivisions shall be construed liberally in favor of such local governmental subdivisions.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 9 through 13, both inclusive, in their entirety.

Delegate Abraham moved the adoption of the amendment.

Delegate Burson objected.

By a vote of 54 yeas and 37 nays the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 11. When two-thirds of the electors, as certified by the registrar of voters, of an unincorporated settlement in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, such cities, towns, and villages may be incorporated. However, no such newly incorporated area shall include any property previously included in any industrial area or district.

Read.

Motion

Delegate O'Neill moved that further action be deferred until the next day upon which the Convention meets.

Delegate Perez objected.

By a vote of 24 yeas and 63 nays the Convention refused to defer action on the Section at this time.

Delegate Haynes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Haynes to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 16, after the word "When" and before the

words "of the" delete the word "two-thirds" and insert in lieu thereof the words "a majority"

Delegate Haynes moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Bergeron
Blair
Brien
Brown
Carmouche
Champagne
Chatelain
Comar
De Blieux
Dennery
Dunlap
Duval
Fayard

Flory
Fowler
Fulco
Goldman
Gravel
Guarisco
Hardee
Hayes
Haynes
Jackson, J.
Jenkins
Kilbourne
Kilpatrick
Landrum
Landry, E. J.
Lowe
Martin
Mire
Newton
O'Neill
Perkins

Reeves
Roemer
Roy
Schmitt
Singletary
Slay
Soniati
Stagg
Stephenson
Stovall
Sutherland
Tapper
Thompson
Tobias
Vesich
Vick
Wall
Warren
Winchester
Wisham
Zervigon

Total—63.

NAYS

Delegates—

Badeaux
Bollinger
Burson
Casey
Conino
Conroy
Corne
Cowen
Elkins
Gauthier
Grier

Heine
Hernandez
Juneau
Kean
Lanier
Lennox
McDaniel
Maubert
Miller
Nunez
Perez

Planchard
Robinson
Sandoz
Smith
Thistlethwaite
Toca
Toomy
Wattigny
Weiss
Willis

Total—32.

NOT VOTING

Delegates—

Alexander
Bel
Berry
Burns
Cannon
Chehardy
D'Gerolamo
Dennis
Derbes
Deshotels
Drew
Edwards
Fontenot

Giarrusso
Ginn
Jack
Jackson, A.
Kelly
Lambert
Landry, A.
LeBleu
Leigh
Leithman
Munson
Pugh

Rachal
Rayburn
Riecke
Segura
Shannon
Silverberg
Stinson
Tate
Ullo
Velazquez
Womack

Total—37.

And the amendment was adopted.

Delegate Haynes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposal by Delegate Kean to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 14 through 25, both inclusive, in their entirety.

Delegate Kean moved the adoption of the amendment.

Delegate J. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Badeaux
Bollinger
Casey
Conino
Conroy
Corne
Cowen
Deshotels
Elkins
Gauthier
Grier
Heine

Hernandez
Juneau
Kean
Lanier
Lennox
Lowe
McDaniel
Miller
Nunez
Perez
Perkins
Planchard

Robinson
Sandoz
Smith
Thistlethwaite
Tobias
Toomy
Wattigny
Weiss
Willis
Winchester
Zervigon

Total—35.

NAYS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Arnette
Asseff
Avant
Bergeron
Blair
Brien
Brown
Burson
Carmouche
Champagne
Chatelain
Comar
De Blieux
Dennery
Dunlap

Flory
Fowler
Fulco
Ginn
Goldman
Gravel
Guarisco
Hardee
Hayes
Haynes
Jackson, J.
Jenkins
Kilbourne
Landrum
Landry, E. J.
Maubert
Mire
Newton
O'Neill

Reeves
Roemer
Roy
Schmitt
Singletary
Slay
Soniati
Stagg
Stephenson
Stovall
Sutherland
Tapper
Thompson
Toca
Vesich
Vick
Wall
Warren
Wisham

Total—57.

NOT VOTING

Delegates—

Alexander
Anzalone
Bel
Berry
Burns
Cannon
Chehardy
D'Gerolamo
Dennis
Derbes
Drew
Duval
Edwards
Fayard

Fontenot
Giarrusso
Jack
Jackson, A.
Kelly
Kilpatrick
Lambert
Landry, A.
LeBleu
Leigh
Leithman
Martin
Munson

Ourso
Pugh
Rachal
Rayburn
Riecke
Segura
Shannon
Silverberg
Stinson
Tate
Ullo
Velazquez
Womack

Total—40.

And the amendment was rejected.

Delegate Reeves moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Thompson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Thompson, Roemer, and Slay to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 23, after the partial word and punctuation

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"rated." Delete the remainder of the line and delete lines 24 and 25 in their entirety.

Delegate Thompson moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Avant	Goldman
Badeaux	Gravel
Bergeron	Guarisco
Blair	Hardee
Brown	Hayes
Burson	Haynes
Carmouche	Hernandez
Casey	Jackson, J.
Champagne	Landrum
Chatelain	Landry, E. J.
Comar	Maubert
Corne	Mire
Cowen	Newton
Dennery	Perkins
Dunlap	Reeves
Flory	Roemer
Ginn	Roy

Total—51.

NAYS

Delegates—

Abraham	Fulco
Aertker	Gauthier
Alario	Grier
Anzalone	Heine
Arnette	Jenkins
Asseff	Juneau
Bollinger	Kean
Conino	Lanier
Conroy	Lennox
De Blieux	Lowe
Duval	McDaniel
Elkins	Miller
Fayard	Nunez
Fowler	O'Neill

Total—41.

Schmitt
Singletary
Slay
Smith
Soniat
Stephenson
Stovall
Tapper
Thondrum
Tobias
Toca
Vesich
Vick
Wall
Warren
Weiss
Wisham

Perez
Planchard
Rayburn
Robinson
Sandoz
Stagg
Sutherland
Thistlethwaite
Toomy
Wattigny
Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Alexander
Bel
Berry
Brien
Burns
Cannon
Chehardy
D'Gerolamo
Dennis
Derbes
Deshotels
Drew
Edwards

Fontenot
Giarrusso
Jack
Jackson, A.
Kelly
Kilbourne
Kilpatrick
Lambert
Landry, A.
LeBleu
Leigh
Leithman
Martin

Munson
Ourso
Pugh
Rachal
Riecke
Segura
Shannon
Silverberg
Stinson
Tate
Ullo
Velazquez
Womack

Total—40.

And the amendment was adopted.

Delegate Thompson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate O'Neill moved that the Convention take up other orders of Business as this time.

Delegate Roy objected.

By a vote of 59 yeas and 28 nays the Convention took up other Orders of Business at this time.

Leaves of Absence

Delegate Stinson—1 day.
Delegate Derbes—2 days.
Delegate Bel—2 days.
Delegate A. Landry—1 day.
Delegate D'Gerolamo—1 day.
Delegate Jack—1 day.
Delegate Tate—1 day.
Delegate Segura—1 day.
Delegate Ullo—1 day.
Delegate Pugh—2 days.
Delegate Dennis—1 day.
Delegate A. Jackson—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, September 26, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, September 26, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FIFTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, September 26, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—	Fowler	Rachal
Mr. Chairman	Fulco	Rayburn
Abraham	Gauthier	Reeves
Aertker	Ginn	Riecke
Alario	Goldman	Robinson
Alexander	Gravel	Roemer
Anzalone	Grier	Roy
Arnette	Guarisco	Sandoz
Asseff	Hardee	Schmitt
Avant	Hayes	Segura
Badeaux	Haynes	Shannon
Bergeron	Heine	Singletary
Berry	Hernandez	Slay
Blair	Jack	Smith
Bollinger	Jackson, A.	Soniat
Brien	Jackson, J.	Stagg
Brown	Jenkins	Stephenson
Burns	Juneau	Stinson
Burson	Kean	Stovall
Cannon	Kilbourne	Sutherland
Carmouche	Kilpatrick	Tapper
Casey	Lambert	Tate
Champagne	Landrum	Thistlethwaite
Chatelain	Landry, A.	Thompson
Chehardy	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	Leithman	Toomy
Conroy	Lennox	Ullo
Corne	Lowe	Velazquez
Cowen	McDaniel	Vesich
D'Gerolamo	Martin	Vick
De Blieux	Mauberret	Wall
Denberry	Miller	Warren
Dennis	Mire	Wattigny
Deshotels	Munson	Weiss
Drew	Newlon	Willis
Dunlap	Nunez	Winchester
Duval	O'Neill	Wisham
Edwards	Ourso	Womack
Elkins	Perez	Zervigon
Fayard	Perkins	
Flory	Planchard	
Fontenot		
Total—124.		

ABSENT

Delegates—	Kelly	Pugh
Bel	LeBleu	Silverberg
Derbes	Leigh	
Giarrusso		
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Denberry.

Pledge of Allegiance

Delegate Leithman led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Willis, the reading of the Journal
was dispensed with.

On motion of Delegate Willis, the Journal of yesterday
was adopted.

Morning Hour

Reconsideration

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zer-
vigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

**Section 9. Powers of Other Local Governmental Sub-
divisions**

Section 9. (A) Any other local governmental subdivision
may exercise any power and perform any function necessary,
requisite, or proper for the management of its affairs not
denied to it by its charter, by this constitution, or by
general law, including but not limited to the power (1) to
legislate upon, regulate, conduct, and control all matters of
local governmental administration; (2) to define the powers,
duties, and qualifications of parochial or municipal em-
ployees; (3) to provide for the protection of the public health,
safety, morals, and welfare; (4) to create special districts;
(5) to license; (6) to tax under the limitations provided in this
constitution or by general law; (7) to incur debt and issue
bonds, except as otherwise provided in this constitution.

(B) Any local governmental subdivision may exercise any
power or perform any function concurrently with the state
pertaining to its government and affairs to the extent that the
legislature by general law does not specifically limit the
concurrent exercise of any such power or performance of any
such function or specifically declare the state's exercise of
any such power or performance of any such function to be
exclusive except as provided in this Article.

(C) The powers granted in this Section shall not be con-
strued to affect the powers and functions of a parish or
city school board and the offices of sheriff, clerk of a district
court, coroner, or assessor.

Read.

Delegate Perez moved to reconsider the vote by which
Committee Proposal No. 17, Section 9, failed to pass on
yesterday.

Delegate Jenkins objected.

By a vote of 72 yeas and 25 nays the vote by which the
Section failed to pass on yesterday was reconsidered.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on.

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the

Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervignon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 11. When two-thirds of the electors, as certified by the registrar of voters, of an unincorporated settlement in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, such cities, towns, and villages may be incorporated. However, no such newly incorporated area shall include any property previously included in any industrial area or district.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 11, when it adjourned on Tuesday, September 25, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Perez, the Convention deferred action on Section 11 and reverted to consider Committee Proposal No. 17, Section 9, which was taken up and acted upon as follows:

Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Any other local governmental subdivision may exercise any power and perform and function necessary, requisite, or proper for the management of its affairs not denied to it by its charter, by this constitution, or by general law, including but not limited to the power (1) to legislate upon, regulate, conduct, and control all matters of local governmental administration; (2) to define the powers, duties, and qualifications of parochial or municipal employees; (3) to provide for the protection of the public health, safety, morals, and welfare; (4) to create special districts; (5) to license; (6) to tax under the limitations provided in this constitution or by general law; (7) to incur debt and issue bonds, except as otherwise provided in this constitution.

(B) Any local governmental subdivision may exercise any power or perform any function concurrently with the state pertaining to its government and affairs to the extent that the legislature by general law does not specifically limit the concurrent exercise of any such power or performance of any such function or specifically declare the state's exercise of any such power or performance of any such function to be exclusive except as provided in this Article.

(C) The powers granted in this Section shall not be construed to affect the powers and functions of a parish or city school board and the offices of sheriff, clerk of a district court, coroner, or assessor.

Read.

Delegate Conroy sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates, Conroy, Lanier, Smith, Bollinger, Juneau, D'Gerolamo, Brien, Roy, Nunez, Abraham, Alario, Anzalone, Arnette, Asseff, Avant, Badeaux, Bergeron, Blair, Burns, Burson, Cannon, Casey, Champagne, Chatelain, Conino, Corne, Dunlap, Elkins, Goldman, Grier, Hardee, Hernandez, Kean, Kilbourne, A. Landry, E. J. Landry, Lowe,

McDaniel, Martin, Perez, Perkins, Planchard, Rayburn, Riecke, Roemere, Sandoz, Slay, Stagg, Stinson, Stovall, Sutherland, Tapper, Thompson, Toca, Ullo, Velazquez, Watigny, Willis, and Zervignon to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 16 through 28, both inclusive, in their entirety and delete all floor amendments thereto and insert in lieu thereof the following:

"Section 9. (A) Subject to and not inconsistent with any provision of this constitution, the governing authority of any other local governmental subdivision may exercise any power and perform any function necessary, requisite, or proper for the management of the affairs of the local governmental subdivision not denied by its charter or by general law, provided that a majority of the electors in the affected local governmental subdivision who vote in an election held for that purpose vote in favor of the proposition that such governing authority may exercise such general powers. In the absence of such a favorable vote, such local governmental subdivision shall have such powers as shall be authorized by this constitution or by law."

Delegate Conroy moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 105 yeas and 3 nays the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 29 through 32, both inclusive, in their entirety and on page 6, delete lines 1 through 4, both inclusive, in their entirety

On motion of Delegate De Blieux the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 16, in Floor Amendment No. 1 proposed by Delegate Conroy, et al. and adopted by the convention on September 26, 1973, on line 12, immediately after the words "absence of" and before the punctuation and word "such" delete the words "such a favorable vote" and insert in lieu thereof the words "an election"

Delegate De Blieux moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 13 yeas and 100 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 16 and 28, within Floor Amendment No. 1 introduced by Messrs. Conroy, Lanier, et al, and adopted by the convention on September 26, 1973, on line 13 of said Floor Amendment, immediately after the words "powers as" and before the word "authorized" strike out the words "shall be"

On motion of Delegate Bollinger the amendment was adopted.

Delegate Bollinger moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, at the beginning of line 5, strike out the punctuation "(C)" and insert in lieu thereof "(B)"

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennis, Tate, and Willis to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 8 and 9, insert the following:
"(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution."

Delegate Dennis moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 96 yeas and 16 nays the amendment was adopted.

Delegate Dennis moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 9, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Anzalone	Bergeron
Abraham	Arnette	Berry
Aertker	Asseff	Blair
Alario	Avant	Bollinger
Alexander	Badeaux	Brien

Brown	Hayes	Riecke
Burns	Haynes	Roemer
Burson	Heine	Roy
Cannon	Hernandez	Sandoz
Carmouche	Jack	Schmitt
Casey	Jackson, A.	Shannon
Chatelain	Jackson, J.	Singletary
Chehardy	Juneau	Slay
Comar	Kean	Smith
Conino	Kilbourne	Soniat
Conroy	Kilpatrick	Stagg
Corne	Landrum	Stephenson
Cowen	Landry, A.	Stinson
D'Gerolamo	Landry, E. J.	Stovall
De Blieux	Lanier	Sutherland
Dennery	Leithman	Tapper
Dennis	Lennox	Tate
Deshotels	Lowe	Thompson
Drew	McDaniel	Toca
Dunlap	Martin	Toomy
Duval	Miller	Ullo
Elkins	Mire	Velazquez
Fayard	Munson	Vesich
Fontenot	Newton	Vick
Fowler	Nunez	Warren
Fulco	O'Neill	Wattigny
Gauthier	Perez	Weiss
Goldman	Perkins	Willis
Gravel	Planchard	Winchester
Grier	Rachal	Wisham
Guarisco	Rayburn	Zervigon
Hardee	Reeves	

Total—110.

NAYS

Delegates—		
Flory	Mauberet	Tobias
Ginn	Robinson	Womack
Jenkins		

Total—7.

NOT VOTING

Delegates—		
Bel	Kelly	Pugh
Champagne	Lambert	Segura
Derbes	LeBleu	Silverberg
Edwards	Leigh	Thistlethwaite
Giarrusso	Ourso	Wall

Total—15.

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez the vote by which Committee Proposal No. 17, Section 8, was passed on September 22, 1973, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the vote by which Committee Proposal No. 17, Section 7, was passed on September 20, 1973, was reconsidered, and on his own motion, the motion to reconsider was laid on the table.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 11. When two-thirds of the electors, as certified by the registrar of voters, of an unincorporated settlement in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, such cities, towns, and villages may be incorporated. However, no such newly incorporated area shall include any property previously included in any industrial area or district.

Read.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins and De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 23, after the partial word and punctuation "rated," add the following:

"No municipality incorporated under this Section shall include property previously included in an industrial area or district."

Point of Order

Delegate Warren raised a point of order and sought a ruling of the chair, as to whether the amendment was out of order, as having been previously considered.

Ruling of the Chair

The chair declined to rule the amendment out of order at this time, and put the question to the Convention under the rules.

The question was put to declare the amendments in order.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Landry, E. J.
Alario	Duval	Lanier
Arnette	Flory	Martin
Asseff	Fontenot	Mauberrret
Avant	Fowler	Mire
Bollinger	Fulco	O'Neill
Brien	Gauthier	Perkins
Burns	Ginn	Rayburn
Burson	Goldman	Sandoz
Cannon	Gravel	Shannon
Carmouche	Guarisco	Smith
Chehardy	Hardee	Stagg
Comar	Hernandez	Stephenson
Conino	Jack	Stinson
Corne	Jenkins	Stovall
D'Gerolamo	Juneau	Vick
De Blieux	Kean	Willis
Dennis	Kilbourne	Wisham
Deshotels	Kilpatrick	Womack
Drew	Landry, A.	
Total—59.		

NAYS

Delegates—		
Alexander	Jackson, A.	Singletary
Badeaux	Jackson, J.	Slay
Bergeron	Landrum	Soniat
Berry	Lennox	Sutherland
Blair	Lowe	Thompson
Brown	McDaniel	Tobias
Casey	Miller	Toca
Chatelain	Nunez	Toomy
Conroy	Perez	Ullo
Cowen	Planchard	Velazquez
Dennery	Rachal	Warren
Elkins	Reeves	Wattigny
Fayard	Roemer	Weiss
Grier	Roy	Winchester
Hayes	Schmitt	Zervigon
Haynes		
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Bel	Edwards
Aertker	Champagne	Giarrusso
Anzalone	Derbes	Heine

Kelly	Newton	Silverberg
Lambert	Ourso	Tapper
LeBleu	Pugh	Tate
Leigh	Riecke	Thistlethwaite
Leithman	Robinson	Vesich
Munson	Segura	Wall
Total—27.		

And the Convention ruled that the amendment was in order at this time.

Delegate Jenkins moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Rachal
Aertker	Fulco	Rayburn
Asseff	Hardee	Riecke
Berry	Hayes	Roy
Bollinger	Hernandez	Sandoz
Burson	Jack	Shannon
Cannon	Jackson, A.	Smith
Chatelain	Jenkins	Stagg
Conino	Juneau	Stephenson
Conroy	Kean	Stinson
Corne	Kilbourne	Sutherland
De Blieux	Landry, A.	Weiss
Dennis	Lennox	Wisham
Drew	Lowe	Womack
Dunlap	Martin	Zervigon
Duval	Mire	
Fontenot	O'Neill	
Total—49.		

NAYS

Delegates—		
Alario	Ginn	Roemer
Alexander	Goldman	Schmitt
Arnette	Gravel	Singletary
Avant	Grier	Slay
Badeaux	Guarisco	Soniat
Bergeron	Haynes	Stovall
Blair	Jackson, J.	Tapper
Brien	Kilpatrick	Tate
Brown	Landrum	Thompson
Burns	Landry, E. J.	Tobias
Carmouche	Lanier	Toca
Casey	Leithman	Toomy
Chehardy	McDaniel	Ullo
Comar	Mauberrret	Velazquez
Cowen	Miller	Vesich
D'Gerolamo	Munson	Vick
Dennery	Newton	Wall
Deshotels	Nunez	Warren
Elkins	Perez	Wattigny
Fayard	Perkins	Willis
Flory	Planchard	Winchester
Gauthier	Reeves	
Total—65.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Ourso
Anzalone	Heine	Pugh
Bel	Kelly	Robinson
Champagne	Lambert	Segura
Derbes	LeBleu	Silverberg
Edwards	Leigh	Thistlethwaite
Total—18.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 16 through 25, both inclusive, in their entirety, and delete all amendments adopted thereto, and insert in lieu thereof the following:

"Section 11. Any unincorporated settlement having at least five thousand inhabitants, which is situated in a parish operating under a home rule charter or home rule plan of government, may be incorporated when a majority of the electors of said settlement, as certified by the parish registrar of voters, sign and present to the governor a petition and meet other necessary requirements as set forth under general laws providing for the incorporation of cities, towns, and villages. However, no such newly incorporated area shall include any property previously included in any industrial area or district."

Delegate Chatelain moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 37 yeas and 57 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Weiss sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Weiss to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 14 through 25, both inclusive, in their entirety and delete all floor amendments thereto and insert in lieu thereof the following:

"Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages; Alteration of Boundaries

Section 11. When one-half of the electors, as certified by the registrar of voters, in any parish operating under a home rule charter or a home rule plan of government sign and present to the governor a petition and meet other necessary requirements as set forth under the general laws providing for the incorporation of cities, towns, and villages, an unincorporated settlement may be incorporated and incorporated cities, towns, and villages may alter their corporate boundaries."

Delegate Weiss moved the adoption of the amendment.

Delegate J. Jackson objected.

By a vote of 19 yeas and 89 nays the amendment was rejected.

Delegate Hayes moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6 delete lines 16 through 25, both inclusive, in their entirety and delete all Floor Amendments thereto and insert in lieu thereof the following:

"Section 11. No parish plan of government or home rule

charter shall prohibit the incorporation of cities, towns, or villages as provided by general law."

Delegate Guarisco moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 70 yeas and 38 nays the amendment was adopted.

Delegate Guarisco moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lowe moved the previous question on the entire subject matter.

Delegate Abraham objected.

By a vote of 66 yeas and 39 nays the previous question was ordered on the entire subject matter.

Passage

Committee Proposal No. 17, Section 11, was read as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fulco	Roemer
Alario	Ginn	Roy
Alexander	Goldman	Schmitt
Avant	Gravel	Segura
Bergeron	Guarisco	Shannon
Berry	Hardee	Singletary
Blair	Hayes	Slay
Brien	Haynes	Soniat
Brown	Jack	Stagg
Burns	Jackson, A.	Stephenson
Cannon	Jackson, J.	Stovall
Carmouche	Jenkins	Tapper
Champagne	Kilpatrick	Tate
Chatelain	Landrum	Thompson
Chehardy	Landry, E. J.	Tobias
D'Gerolamo	Leithman	Ullo
De Blieux	Martin	Velazquez
Dennery	Mauberret	Vesich
Dennis	Mire	Vick
Dunlap	Newton	Warren
Duval	O'Neill	Wattigny
Edwards	Rachal	Weiss
Fayard	Rayburn	Winchester
Flory	Reeves	Wisham
Fowler	Riecke	
Total—74.		

NAYS

Delegates—		
Abraham	Gauthier	Nunez
Anzalone	Grier	Perez
Asseff	Hernandez	Perkins
Badeaux	Juneau	Planchar
Bollinger	Kean	Robinson
Casey	Kilbourne	Sandoz
Comar	Landry, A.	Smith
Conino	Lanier	Stinson
Conroy	Lennox	Sutherland
Corne	Lowe	Toomy
Elkins	McDaniel	Willis
Fontenot	Miller	Zervigon
Total—36.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Arnette	Heine	Silverberg
Bel	Kelly	Thistlethwaite
Burson	Lambert	Toca
Cowen	LeBleu	Wall
Derbes	Leigh	Womack
Deshotels	Munson	
Drew	Ourso	
Total—22.		

And the Chair declared that the above Section was passed.

Delegate Reeves moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 12. Limitations of Local Governmental Subdivisions

Section 12. Local governmental subdivisions shall not: (1) incur debt payable from ad valorem tax receipts maturing more than forty years from the time it is incurred; (2) define and provide for the punishment of a felony; or (3) enact private or civil ordinances governing civil relationships.

Read.

Delegate O'Neill sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate O'Neill to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, at the end of line 31, change the period "." to a semicolon ";" and add the following:
"or, (4) set prices of private goods or services, other than those of public utilities or common carriers subject to their regulations."

AMENDMENT No. 2—

On page 6, at the end of line 31, change the period "." to a semicolon ";" and add the following:
"or, (5) engage in wholesale or retail trade, or manufacturing enterprises."

On motion of Delegate O'Neill Amendment No. 2 was withdrawn.

Delegate Stovall moved the previous question on the amendments.

Delegate Perez objected.

By a vote of 35 yeas and 67 nays the Convention refused to order the previous question at this time.

Delegate O'Neill moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Avant	Hayes	Robinson
Berry	Haynes	Roemer
Chehardy	Hernandez	Roy
Corne	Jackson, A.	Segura
De Blieux	Jenkins	Stagg
Flory	Mire	Stephenson
Fontenot	Newton	Stinson
Goldman	O'Neill	Vesich
Gravel	Perkins	Wisham
Guarisco	Rachal	
Total—29.		

NAYS

Delegates—		
Abraham	Brown	Conroy
Alario	Burns	Cowen
Anzalone	Burson	Dennery
Arnette	Cannon	Dennis
Asseff	Carmouche	Deshotels
Badeaux	Casey	Dunlap
Bergeron	Champagne	Duval
Blair	Chatelain	Edwards
Bollinger	Comar	Elkins
Brien	Conino	Fowler

Fulco	McDaniel
Gauthier	Martin
Ginn	Mauberret
Grier	Miller
Hardee	Nunez
Jack	Ourso
Jackson, J.	Perez
Juneau	Planchard
Kilbourne	Rayburn
Kilpatrick	Reeves
Lambert	Riecke
Landry, A.	Sandoz
Landry, E. J.	Schmitt
Lanier	Shannon
Leithman	Singletary
Lennox	Slay
Lowe	Smith
Total—79.	

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Aertker	Heine	Silverberg
Alexander	Kean	Tate
Bel	Kelly	Thistlethwaite
D'Gerolamo	Landrum	Wall
Derbes	LeBleu	Warren
Drew	Leigh	Weiss
Fayard	Munson	Womack
Total—24.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 30, immediately after the number and punctuation "(3)" insert the following:
"except as may be provided by law,"

Delegate Casey moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Cowen	Juneau
Alario	D'Gerolamo	Kilbourne
Anzalone	De Blieux	Kilpatrick
Arnette	Dennery	Lambert
Asseff	Deshotels	Landry, A.
Avant	Dunlap	Landry, E. J.
Badeaux	Duval	Lanier
Bergeron	Edwards	Leithman
Berry	Elkins	Lennox
Blair	Fayard	Lowe
Bollinger	Flory	McDaniel
Brien	Fontenot	Miller
Brown	Fowler	Mire
Burns	Fulco	Newton
Burson	Gauthier	Nunez
Cannon	Ginn	Perez
Carmouche	Gravel	Perkins
Casey	Grier	Planchard
Champagne	Guarisco	Rachal
Chatelain	Hardee	Rayburn
Chehardy	Haynes	Reeves
Comar	Hernandez	Riecke
Conino	Jack	Robinson
Conroy	Jackson, A.	Roemer
Corne	Jackson, J.	Roy

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Sandoz	Stephenson	Ullo
Schmitt	Stovall	Velazquez
Segura	Sutherland	Vesich
Singletary	Tate	Vick
Slay	Thompson	Wattigny
Smith	Tobias	Willis
Soniat	Toca	Winchester
Stagg	Toomy	Zervigon

Total—99.

NAYS

Delegates—	Jenkins	Stinson
Dennis	O'Neill	Wisham
Goldman		

Total—6.

NOT VOTING

Delegates—	Kean	Pugh
Mr. Chairman	Kelly	Shannon
Aertker	Landrum	Silverberg
Alexander	LeBleu	Tapper
Bel	Leigh	Thistlethwaite
Derbes	Martin	Wall
Drew	Mauberrret	Warren
Giarrusso	Munson	Weiss
Hayes	Ourso	Womack
Heine		

Total—27.

And the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Avant, Newton, Jack, Goldman, Reeves, Roy, Alario, Flory, Gravel, Leithman, A. Jackson, Jenkins, Toca, Wisham, Chehardy, Haynes, Munson, Brien, Kilpatrick, O'Neill, Womack, Ginn, Cannon, E. J. Landry, and Rachal to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 27, immediately after the numeral and punctuation "12." insert the letter "(A)"

AMENDMENT No. 2—

On page 6, between lines 31 and 32, insert the following: "(B) Notwithstanding any provision of any plan of local government, or any home rule charter, or any other provision of this Article, the legislature may by general law, applicable throughout the state, or based upon any reasonable classification, exercise the police power of the state in the parishes, municipalities, and other local governmental subdivisions of the state."

Delegate Avant moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Comar	Gravel
Mr. Chairman	D'Gerolamo	Guarisco
Alario	De Blieux	Hayes
Avant	Dennis	Haynes
Bergeron	Dunlap	Jack
Berry	Edwards	Jackson, A.
Blair	Flory	Jackson, J.
Brien	Ginn	Jenkins
Brown	Goldman	Kilpatrick
Chehardy		

Lambert	Robinson	Tate
Landry, E. J.	Roemer	Thompson
Leithman	Roy	Tobias
Miller	Segura	Toca
Mire	Shannon	Velazquez
Munson	Singletary	Vesich
Newton	Slay	Vick
O'Neill	Soniat	Warren
Ourso	Stephenson	Winchester
Rachal	Stinson	Wisham
Rayburn	Stovall	
Reeves	Tapper	

Total—61.

NAYS

Delegates—	Dennery	McDaniel
Abraham	Duval	Mauberrret
Anzalone	Elkins	Nunez
Arnette	Fayard	Perez
Asseff	Fontenot	Perkins
Badeaux	Fulco	Planchard
Bollinger	Gauthier	Riecke
Burns	Grier	Sandoz
Burson	Hardee	Schmitt
Carmouche	Hernandez	Smith
Casey	Juneau	Stagg
Champagne	Kilbourne	Sutherland
Chatelain	Landry, A.	Toomy
Conino	Lanier	Ullo
Conroy	Lennox	Willis
Corne	Lowe	Zervigon
Cowen		

Total—48.

NOT VOTING

Delegates—	Giarrusso	Pugh
Aertker	Heine	Silverberg
Alexander	Kean	Thistlethwaite
Bel	Kelly	Wall
Cannon	Landrum	Wattigny
Derbes	LeBleu	Weiss
Deshotels	Leigh	Womack
Drew	Martin	
Fowler		

Total—23.

And the amendments were adopted.

Delegate Avant moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate O'Neill, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local and Parochial Government will meet on Thursday, August 26, 1973, at 10:00 o'clock A.M. in Committee Room 206 and will consider the following agenda:

AGENDA

Continue committee preparation for presentation of CP 17.

Respectfully submitted,

DELEGATE C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources and the Environment, sent up the following notice:

The Committee on Natural Resources and the Environment will meet on Thursday, September 27, 1973, at 10:00 o'clock

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A.M. in the Senate Lounge and will consider the following agenda:

AGENDA

To continue consideration of the Committee's Proposal.

Respectfully submitted,

DELEGATE LOUIS LAMBERT,

Chairman of the Committee on
Natural Resources and the Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee on Public Information, sent up the following notice:

The Committee on Public Information will meet on Thursday, September 27, 1973, at 11:00 o'clock A.M. in Committee Room 1 and will consider the following agenda:

AGENDA

Continue evaluation of Public Information programs and district public information projects.

Respectfully submitted,

DELEGATE PATRICK JUNEAU,
Chairman of the Committee on
Public Information

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on Thursday, September 27, 1973, at 10:00 o'clock A.M. in Committee Room 205 and will consider the following agenda:

AGENDA

DP 4—Womack, Asseff, Lennox
DP 12—Dennery
DP 23—Abraham
DP 24—Schmitt
DP 26—Newton
DP 42—Dennery, Stovall
DP 49—Brien

DP 51—Asseff
DP 52—Asseff
DP 63—Burson
DP 64—Toca
DP 67—Abraham
DP 71—Abraham
DP 72—Abraham
DP 96—Vick, et al.

Respectfully submitted,

DELEGATE TOM STAGG,
Chairman of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday, September 27, 1973, at 9:00 o'clock A.M. in Committee Room 4 and will consider the following agenda:

AGENDA

To continue consideration of the Committee's Proposal.

Respectfully submitted,

DELEGATE B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Thistlethwaite—Indefinite.
Delegate Champagne—2 hours.

Adjournment

Delegate Munson moved that the Convention do now adjourn until Thursday, September 27, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, September 27, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

FIFTY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, September 27, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perkins
Abraham	Fulco	Planchard
Aertker	Gauthier	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hardee	Roemer
Badeaux	Hayes	Roy
Bel	Haynes	Sandoz
Bergeron	Heine	Schmitt
Blair	Hernandez	Segura
Bollinger	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniatt
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberrert	Vick
Deshotels	Miller	Wall
Drew	Mire	Warren
Dunlap	Munson	Wattigny
Duval	Newton	Weiss
Edwards	Nunez	Willis
Elkins	O'Neill	Winchester
Fayard	Ourso	Wisham
Flory	Perez	Zervigon
Fontenot		
Total—124.		

ABSENT

Delegates—		
Berry	Leigh	Thistlethwaite
Dennery	McDaniel	Womack
Giarrusso	Silverberg	
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Lennox.

Pledge of Allegiance

Delegate Bergeron led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal
was dispensed with.

On motion of Delegate Roy, the Journal of yesterday was
adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on.

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zer-
vigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

Section 12. Limitations of Local Governmental Subdivisions

Section 12. Local governmental subdivisions shall not: (1)
incur debt payable from ad valorem tax receipts maturing
more than forty years from the time it is incurred; (2) de-
fine and provide for the punishment of a felony; or (3) enact
private or civil ordinances governing civil relationships.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 17, Section 12, when
it adjourned on Wednesday, September 26, 1973, which was
taken up and acted upon as follows:

Delegate Lowe sent up floor amendments, which were read
as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Lowe, Roemer, and
Mire to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 27, immediately after the word and punctua-
tion "not:" delete the remainder of the line and delete line
28 in its entirety and delete line 29 in its entirety and insert
in lieu thereof the following:

"(1) de-

AMENDMENT No. 2—

On page 6, line 30, immediately after the word "or" and
before the word "enact" change the number "(3)" to the
number "(2)"

On motion of Delegate Lowe the amendment was adopted.

Delegate Lowe moved to reconsider the vote by which the
amendments were adopted, and on his own motion, the motion
to reconsider was laid on the table.

Delegate Casey sent up floor amendments which were read
as follows:

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FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

Delete in their entirety Amendment No. 1 and Amendment No. 2 proposed by Mr. Avant et al. and adopted by this Convention on September 26, 1973.

AMENDMENT No. 2—

On page 6, line 27, immediately after the numeral and punctuation "12." insert the letter "(A)"

AMENDMENT No. 3—

On page 6, between lines 31 and 32, insert the following:

"(B) Notwithstanding any provision of this Constitution, the police power of the state shall never be abridged."

On motion of Delegate Casey the amendments were withdrawn.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

Delete in their entirety Amendment No. 1 and Amendment No. 2 proposed by Mr. Avant et al. and adopted by this Convention on September 26, 1973.

AMENDMENT No. 2—

On page 6, line 27, immediately after the numeral and punctuation "12." insert the letter "(A)"

AMENDMENT No. 3—

On page 6, between lines 31 and 32, insert the following:

"(B) Notwithstanding any provision of this Article, the police power of the state shall never be abridged."

Delegate Casey moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Drew	Miller
Aertker	Duval	Nunez
Alexander	Elkins	Perez
Anzalone	Fayard	Perkins
Arnette	Fontenot	Planchard
Badeaux	Fulco	Riecke
Bel	Gauthier	Sandoz
Bollinger	Grier	Schmitt
Burns	Guarisco	Singletary
Burson	Hardee	Smith
Carmouche	Heine	Soniat
Casey	Hernandez	Stagg
Champagne	Juneau	Stinson
Chatelain	Kean	Sutherland
Conino	Kelly	Toomy
Conroy	Kilbourne	Ullo
Corne	Landry, A.	Velazquez
Cowen	Lanier	Weiss
Dennis	LeBleu	Willis
Derbes	Lennox	Winchester
Deshotels	Lowe	Zervigon
Total—63.		

NAYS

Delegates—		
Mr. Chairman	Hayes	Rayburn
Alario	Haynes	Reeves
Asseff	Jack	Robinson
Avant	Jackson, A.	Roemer
Bergeron	Jackson, J.	Roy
Blair	Jenkins	Slay
Brown	Kilpatrick	Stephenson
Cannon	Lambert	Stovall
Chehardy	Landrum	Tapper
Comar	Landry, E. J.	Tate
D'Gerolamo	Leithman	Thompson
De Blieux	Mauberret	Toca
Dunlap	Mire	Vesich
Edwards	Munson	Vick
Flory	Newton	Wall
Fowler	Ourso	Warren
Ginn	Pugh	Wattigny
Goldman	Rachal	Wisham
Gravel		
Total—55.		

NOT VOTING

Delegates—		
Berry	McDaniel	Silverberg
Brien	Martin	Thistlethwaite
Dennery	O'Neill	Tobias
Giarrusso	Segura	Womack
Leigh	Shannon	
Total—14.		

And the amendments were adopted.

Delegate Casey moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 31, at the end of the line change the period "," to a semicolon ";" and insert the following: "or (3) levy any tax beyond the limits imposed by this constitution; or (4) levy or increase any tax not specifically authorized by this constitution unless authorized by the legislature and by a majority of the electors voting thereon in the political subdivision affected."

Delegate Jenkins moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Jackson, J.	Rachal
Alexander	Jenkins	Reeves
Avant	Kilbourne	Robinson
Brien	Kilpatrick	Roemer
D'Gerolamo	Lambert	Roy
Edwards	Landrum	Stinson
Flory	Leithman	Thompson
Ginn	Mire	Toca
Gravel	Munson	Wall
Hayes	Newton	Wattigny
Haynes	O'Neill	Wisham
Jackson, A.	Ourso	
Total—35.		

NAYS

Delegates—		
Abraham	Asseff	Blair
Alario	Badeaux	Brown
Anzalone	Bel	Burns
Arnette	Bergeron	Burson

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Cannon	Grier	Riecke
Carmouche	Guarisco	Sandoz
Casey	Hardee	Schmitt
Champagne	Heine	Shannon
Chatelain	Hernandez	Singletary
Conino	Jack	Slay
Conroy	Juneau	Smith
Corne	Kean	Soniat
Cowen	Kelly	Stagg
De Blieux	Landry, A.	Sutherland
Dennis	Landry, E. J.	Tate
Derbes	Lanier	Tobias
Deshotels	LeBleu	Toomy
Drew	Lennox	Ullo
Dunlap	Lowe	Velazquez
Duval	Mauberret	Vesich
Elkins	Miller	Vick
Fayard	Nunez	Weiss
Fontenot	Perez	Willis
Fowler	Perkins	Winchester
Fulco	Planchard	Zervigon
Gauthier	Pugh	
Goldman	Rayburn	
Total—79.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Stephenson
Berry	Leigh	Stovall
Bollinger	McDaniel	Tapper
Chehardy	Martin	Thistlethwaite
Comar	Segura	Warren
Dennery	Silverberg	Womack
Total—18.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennis to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 31 and 32, following the language added by Floor Amendment No. 3 proposed by Delegate Casey and adopted by the Convention on September 27, 1973, insert the following:

"(C) This article shall not limit the power of the legislature to enact laws of statewide concern."

Delegate Dennis moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Flory	Kelly
Alario	Fowler	Kilpatrick
Alexander	Ginn	Landrum
Avant	Goldman	Landry, E. J.
Blair	Gravel	Leithman
Brien	Guarisco	Lowe
Brown	Hayes	Mauberret
Corne	Haynes	Mire
D'Gerolamo	Jackson, A.	Munson
Dennis	Jackson, J.	Newton
Dunlap	Jenkins	O'Neill

Pugh
Rachal
Reeves
Robinson
Roemer
Roy
Shannon
Total—52.

Slay
Stephenson
Stovall
Tate
Tobias
Toca
Velazquez

Vick
Wall
Warren
Wattigny
Wisham

NAYS

Delegates—
Abraham
Anzalone
Arnette
Asseff
Badeaux
Bel
Bergeron
Bollinger
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Comar
Conino
Conroy
Cowen
De Blieux
Derbes
Deshotels
Drew
Total—68.

Duval
Edwards
Fayard
Fontenot
Fulco
Gauthier
Grier
Hardee
Heine
Hernandez
Jack
Juneau
Kean
Kilbourne
Lambert
Landry, A.
Lanier
LeBleu
Lennox
Martin
Miller
Nunez
Ourso

Perez
Perkins
Planchard
Rayburn
Riecke
Sandoz
Schmitt
Singletary
Smith
Soniat
Stagg
Stinson
Sutherland
Tapper
Thompson
Toomy
Ullo
Vesich
Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—		
Aertker	Elkins	Segura
Berry	Giarrusso	Silverberg
Chehardy	Leigh	Thistlethwaite
Dennery	McDaniel	Womack
Total—12.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 12, was read, as amended.

Delegate Lanier moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Conroy	Hardee
Abraham	Corne	Hayes
Alario	Cowen	Heine
Alexander	D'Gerolamo	Hernandez
Anzalone	De Blieux	Jack
Arnette	Dennis	Jenkins
Asseff	Derbes	Juneau
Avant	Deshotels	Kean
Badeaux	Drew	Kelly
Bel	Dunlap	Kilbourne
Bergeron	Duval	Kilpatrick
Blair	Edwards	Lambert
Bollinger	Elkins	Landry, A.
Brien	Fayard	Lanier
Brown	Flory	LeBleu
Burns	Fontenot	Leithman
Burson	Fowler	Lennox
Cannon	Fulco	Lowe
Carmouche	Gauthier	Martin
Casey	Ginn	Mauberret
Champagne	Goldman	Miller
Chatelain	Gravel	Mire
Comar	Grier	Munson
Conino	Guarisco	Newton

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Nunez	Schmitt	Tobias
O'Neill	Shannon	Toca
Ourso	Singletary	Toomy
Perez	Slay	Ullo
Perkins	Smith	Vesich
Planchard	Soniat	Vick
Pugh	Stagg	Wall
Rayburn	Stephenson	Warren
Reeves	Stinson	Wattigny
Riecke	Stovall	Weiss
Robinson	Sutherland	Willis
Roemer	Tapper	Winchester
Roy	Tate	Wisham
Sandoz	Thompson	Zervigon
Total—114.		

NAYS

Delegates—		
Haynes	Landrum	Rachal
Jackson, A.	Landry, E. J.	Velazquez
Jackson, J.		
Total—7.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Silverberg
Berry	Leigh	Thistlethwaite
Chehardy	McDaniel	Womack
Dennery	Segura	
Total—11.		

And the Chair declared that the above Section was passed.

Delegate Lanier moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Singletary sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Singletary to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 31 and 32, add the following section:

"Section 12.1. Codification of Ordinances

Section 12.1. The governing authority of each political subdivision shall within two years of the effective date of the adoption of this constitution, cause a code to be prepared containing all of the ordinances of the political subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority of the political subdivision shall cause copies of the same to be prepared and made available for public distribution. All proposed ordinances of general application adopted after the approval of the code shall be adopted as amendments or additions to the code."

Delegate Singletary moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Avant	Brown
Abraham	Badeaux	Burns
Alario	Bel	Burson
Alexander	Bergeron	Cannon
Anzalone	Blair	Casey
Arnette	Bollinger	Champagne
Asseff	Brien	Chatelain

Comar	Kean	Roemer
Conino	Kelly	Roy
Conroy	Kilbourne	Sandoz
Corne	Kilpatrick	Schmitt
D'Gerolamo	Lambert	Shannon
Derbes	Landrum	Singletary
Deshotels	Landry, A.	Slay
Dunlap	Landry, E. J.	Soniat
Edwards	Lanier	Stagg
Elkins	LeBleu	Stephenson
Fayard	Lennox	Stinson
Flory	Lowe	Sutherland
Fontenot	Martin	Tapper
Fowelr	Mauberret	Thompson
Fulco	Miller	Tobias
Gauthier	Mire	Toca
Ginn	Munson	Ullo
Goldman	Newton	Velazquez
Gravel	Nunez	Vesich
Grier	O'Neill	Vick
Hardee	Ourso	Wall
Hayes	Perez	Warren
Haynes	Perkins	Wattigny
Heine	Planchard	Weiss
Hernandez	Pugh	Willis
Jack	Rachal	Winchester
Jackson, A.	Rayburn	Wisham
Jackson, J.	Reeves	Zervigon
Jenkins	Riecke	
Juneau	Robinson	
Total—109.		

NAYS

Delegates—		
Carmouche	Drew	Stovall
De Blieux	Duval	Toomy
Dennis	Guarisco	
Total—8.		

NOT VOTING

Delegates—		
Aertker	Giarrusso	Silverberg
Berry	Leigh	Smith
Chehardy	Leithman	Tate
Cowen	McDaniel	Thistlethwaite
Dennery	Segura	Womack
Total—15.		

The amendment having received a majority vote of the total memberships of the Convention, necessary to pass a Section to a Proposal, was passed.

Delegate Singletary moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 12.1, was read.

Delegate Singletary moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Casey	Gauthier
Abraham	Champagne	Ginn
Alario	Chatelain	Goldman
Alexander	Conino	Gravel
Anzalone	Conroy	Grier
Arnette	Corne	Hardee
Asseff	Cowen	Hayes
Avant	D'Gerolamo	Haynes
Badeaux	Derbes	Heine
Bel	Deshotels	Hernandez
Bergeron	Drew	Jack
Blair	Dunlap	Jackson, A.
Bollinger	Edwards	Jackson, J.
Brien	Elkins	Jenkins
Brown	Fayard	Kelly
Burns	Flory	Kilbourne
Burson	Fontenot	Kilpatrick
Cannon	Fowler	Lambert
Carmouche	Fulco	

Landry, A.	Pugh	Sutherland
Landry, E. J.	Rayburn	Tapper
Lanier	Reeves	Thompson
LeBleu	Riecke	Tobias
Lennox	Robinson	Toca
Lowe	Roemer	Ulló
Martin	Roy	Velazquez
Mauberrret	Sandoz	Vesich
Miller	Schmitt	Vick
Mire	Shannon	Wall
Munson	Singletary	Warren
Nunez	Slay	Wattigny
O'Neill	Soniat	Weiss
Ourso	Stagg	Willis
Perez	Stephenson	Winchester
Perkins	Stinson	Wisham
Planchard	Stovall	Zervigon
Total—108.		

NAYS

Delegates—	Guarisco	Toomy
De Blieux	Kean	
Duval		
Total—5.		

NOT VOTING

Delegates—	Landrum	Silverberg
Aertker	Leigh	Smith
Berry	Leithman	Tate
Chehardy	McDaniel	Thistlethwaite
Comar	Newton	Womack
Dennery	Rachal	
Dennis	Segura	
Giarrusso		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Singletary moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 13. Local Officials

Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect the members of their governing authority and, if a plan or form of government or home rule charter so provides, their chief executive officer at elections held in accordance with the election laws of the state. Such officials shall not be subject to removal by the legislature.

Read.

Delegate Pugh sent up a floor amendment, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6 delete line 32 in its entirety and on page 7 delete lines 1 through 7, both inclusive, in their entirety

Delegate Pugh moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	Gravel
Bollinger	Fulco	Hayes
Champagne	Ginn	Jackson, A.
De Blieux	Goldman	Jackson, J.
Duval		

Kelly	Riecke	Velazquez
Landrum	Soniat	Vick
Munson	Stovall	Warren
Pugh	Tobias	Wattigny
Rachal	Ulló	Wisham

Total—27.

NAYS

Delegates—	Elkins	O'Neill
Abraham	Fayard	Perez
Alario	Fontenot	Perkins
Anzalone	Fowler	Planchard
Arnette	Gauthier	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Robinson
Badeaux	Hardee	Roemer
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Blair	Jack	Schmitt
Brien	Jenkins	Shannon
Brown	Juneau	Singletary
Burns	Kean	Slay
Burson	Kilbourne	Smith
Cannon	Kilpatrick	Stagg
Carmouche	Lambert	Stephenson
Casey	Landry, A.	Stinson
Chatelain	Landry, E. J.	Sutherland
Comar	Lanier	Tapper
Conino	LeBleu	Thompson
Conroy	Lennox	Toca
Corne	Lowe	Toomy
Cowen	Martin	Vesich
D'Gerolamo	Mauberrret	Wall
Dennis	Miller	Weiss
Derbes	Mire	Willis
Deshotels	Newton	Winchester
Drew	Nunez	Zervigon
Dunlap		
Total—87.		

NOT VOTING

Delegates—	Edwards	Ourso
Mr. Chairman	Giarrusso	Segura
Aertker	Haynes	Silverberg
Alexander	Leigh	Tate
Berry	Leithman	Thistlethwaite
Chehardy	McDaniel	Womack
Dennery		
Total—18.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly and Perez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 6, immediately after the word and punctuation "state." delete the remainder of the line and delete line 7 in its entirety.

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 6, immediately after the word and punctuation "state" add the following:

"Nothing herein shall be construed to prohibit the election of any official based on apportionment by population."

On motion of Delegate Velazquez the amendment was withdrawn.

On motion of Delegate Perez further action on Section 13 was deferred at this time.

Section 14. Local Officials; Compensation

Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials shall not be reduced during the terms for which they are elected.

Read.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7 delete lines 8 through 17, both inclusive, in their entirety

Delegate Pugh moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 19 yeas and 82 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows.

FLOOR AMENDMENT

Amendment proposed by Delegates Duval and Bollinger to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 16, after the word "reduced" and before the partial word "dur-" insert the words "or increased"

Delegate Duval moved the adoption of the amendment.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	O'Neill
Abraham	Gauthier	Pugh
Anzalone	Goldman	Reeves
Arnette	Grier	Riecke
Badeaux	Hayes	Robinson
Bollinger	Heine	Roemer
Burson	Jenkins	Sandoz
Champagne	Juneau	Shannon
Comar	Kean	Smith
Corne	Kilpatrick	Soniat
De Blieux	Lambert	Stagg
Duval	Lanier	Stinson
Elkins	LeBleu	Stovall

Sutherland
Thompson
Ullo
Total—48.

Velazquez
Wall
Warren

Weiss
Willis
Wisham

NAYS

Delegates—

Alario
Asseff
Avant
Bel
Bergeron
Blair
Brien
Brown
Burns
Carmouche
Casey
Chatelain
Conino
Conroy
Cowen
D'Gerolamo
Drew
Dunlap
Fayard
Total—56.

Flory
Fontenot
Fowler
Ginn
Gravel
Hardee
Haynes
Hernandez
Jack
Jackson, A.
Kelly
Landry, A.
Landry, E. J.
Lennox
Lowe
Martin
Mauberret
Miller
Mire
Newton
Nunez
Perez
Perkins
Planchard
Rachal
Rayburn
Schmitt
Singletary
Slay
Stephenson
Tapper
Tobias
Toca
Toomy
Vesich
Vick
Winchester
Zervigon

NOT VOTING

Delegates—

Aertker
Alexander
Berry
Cannon
Chehardy
Dennery
Dennis
Derbes
Deshotels
Total—28.

Edwards
Giarrusso
Guarisco
Jackson, J.
Kilbourne
Landrum
Leigh
Leithman
McDaniel
Munson
Ourso
Roy
Segura
Silverberg
Tate
Thistlethwaite
Wattigny
Womack

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 14, was read.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Alario
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Cannon
Carmouche
Casey
Chatelain
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Deshotels
Drew

Dunlap
Elkins
Fayard
Flory
Fontenot
Fowler
Fulco
Gauthier
Ginn
Goldman
Gravel
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Juneau
Kean
Kelly
Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Lennox
Lowe
Martin
Mauberret
Miller
Mire
Newton
Nunez
O'Neill
Perez
Perkins
Planchard
Pugh
Rachal
Rayburn
Reeves
Riecke
Robinson
Sandoz
Schmitt
Shannon
Singletary
Slay
Smith
Soniat
Stagg
Stephenson
Stinson

Stovall	Toomy	Willis
Sutherland	Ullo	Winchester
Tapper	Vesich	Wisham
Thompson	Vick	Zervigon
Tobias	Warren	
Toca	Weiss	
Total—100.		

NAYS

Delegates—	Jenkins	Wall
Champagne	Roemer	
Duval		
Total—5.		

NOT VOTING

Delegates—	Giarrusso	Ourso
Aertker	Guarisco	Roy
Alexander	Jackson, J.	Segura
Anzalone	Kilbourne	Silverberg
Berry	Landrum	Tate
Chehardy	Leigh	Thistlethwaite
Dennery	Leithman	Velazquez
Dennis	McDaniel	Wattigny
Derbes	Munson	Womack
Edwards		
Total—27.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up Committee Proposal No. 17, Section 13 at this time.

Section 13. Local Officials

Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect the members of their governing authority and, if a plan or form of government or home rule charter so provides, their chief executive officer at elections held in accordance with the election laws of the state. Such officials shall not be subject to removal by the legislature.

Read.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean, Anzalone, and Velazquez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of any official thereof based on apportionment by population."

On motion of Delegate Kean the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Velazquez and Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 1 through 6, both inclusive, in their entirety including the Convention House Amendment No. 1 thereto proposed by Delegate Kean and adopted by the Convention on September 27, 1973, and insert in lieu thereof the following:

"Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members of any governing authority on the basis of single member districts."

On motion of Delegate Velazquez the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 13, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Pugh
Alario	Ginn	Rachal
Arnette	Goldman	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tapper
Comar	Kilpatrick	Thompson
Conino	Lambert	Tobias
Conroy	Landry, A.	Toca
Corne	Landry, E. J.	Toomy
Cowen	Lanier	Ullo
D'Gerolamo	LeBleu	Velazquez
De Blieux	Lennox	Vesich
Dennis	Lowe	Vick
Deshotels	Martin	Wall
Drew	Miller	Warren
Dunlap	Mire	Weiss
Duval	Newton	Willis
Elkins	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Perez	Zervigon
Fowler	Perkins	
Total—107.		

NAYS

Delegates—
Total—0.

NOT VOTING

Delegates—		
Aertker	Giarrusso	Rayburn
Alexander	Landrum	Roy
Anzalone	Leigh	Segura
Berry	Leithman	Silverberg
Chehardy	McDaniel	Tate
Dennery	Maubert	Thistlethwaite
Derbes	Munson	Wattigny
Edwards	Ourso	Womack
Fayard		
Total—25.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 15. Filling of Vacancies; Appointment

Section 15. (A) Except in the office of sheriff, assessor, clerk of a district court, or coroner, a vacancy occasioned by death, resignation, or otherwise in the office of mayor, in the membership of the governing authority of a local governmental subdivision or in any other local office filled by election wholly within the boundaries of a local governmental subdivision, shall be filled by appointment by the governing authority of such local governmental subdivision in which the vacancy occurs. A vacancy in the membership of a city or parish school board shall be filled by appointment by the remaining members thereof. A tie vote on such appointment to be made by the governing authority of a local governmental subdivision or school board shall be broken by the presiding officer thereof notwithstanding the fact that he may already have voted thereon.

(B) If, at the time a vacancy occurs in an elective office for which appointment is provided in Paragraph (A) of this Section, the unexpired portion of the term of office is more than one year, a special election to fill the vacancy shall be called by the governing authority, and held without the necessity of a call by the governor, not more than six months nor less than three months, after first receipt of notice of the vacancy by the secretary of state, to be given as hereinafter provided, in the local governmental subdivision or special district thereof in which the vacancy occurred, and in such case the appointment provided for in Paragraph (A) of this Section shall be effective only until a successor is duly elected and qualified.

(C) Upon being informed of the occurrence of a vacancy in any of the offices specified in Paragraph (A) of this Section, the clerk or chief clerk of the district court in the parish where the vacancy occurred, and in the parish of Orleans the clerk or chief clerk of the criminal district court, shall, within twenty-four hours after being thus informed, notify the secretary of state in writing by registered or certified mail of the occurrence of the vacancy. Upon receipt of such notice, the secretary of state shall, within twenty-four hours after such receipt, notify in writing by registered or certified mail all election officials, including party committees and boards of supervisors of elections, having any duty to perform in connection with a special election to fill such vacancy, of the occurrence of the vacancy.

(D) Nothing in this Section shall be construed as changing the qualifications for the various offices involved and all appointments must be of persons who would otherwise be eligible to hold offices to which appointed.

(E) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions.

(F) The provisions of this Section shall not apply to the office of judge of any state court of record or district attorney.

Read.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 18 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

"Section 15. Filling of Vacancies

Section 15. Except in the office of assessor, or as otherwise provided in this constitution or a home rule charter,

the legislature shall provide a uniform method by which local governments shall fill vacancies created other than by expiration of term of office."

On motion of Delegate Champagne the amendment was withdrawn.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 18 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

"Section 15. Filling of Vacancies

Section 15. Except in the office of assessor, or as otherwise provided in this constitution, the legislature shall provide a uniform method by which local governments shall fill vacancies created other than by expiration of term of office."

Delegate Champagne moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Goldman	Rachal
Avant	Hayes	Reeves
Bollinger	Haynes	Schmitt
Burson	Jackson, A.	Slay
Champagne	Jackson, J.	Soniat
Chatelain	Kelly	Stephenson
De Blieux	Landry, E. J.	Tobias
Dennis	LeBleu	Ullo
Dunlap	Lowe	Velazquez
Elkins	Mire	Wall
Flory	Newton	Warren
Fontenot	O'Neill	Wisham
Ginn	Pugh	
Total—38.		

NAYS

Delegates—		
Abraham	Fulco	Perkins
Alario	Gauthier	Planchard
Arnette	Gravel	Rayburn
Asseff	Grier	Riecke
Badeaux	Guarisco	Robinson
Bel	Hardee	Roemer
Bergeron	Heine	Segura
Blair	Hernandez	Singletary
Brien	Jenkins	Smith
Brown	Juneau	Stagg
Cannon	Kean	Stinson
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Thompson
Corne	Lanier	Toca
D'Gerolamo	Lennox	Toomy
Deshotels	Martin	Vesich
Drew	Mauberet	Weiss
Duval	Miller	Willis
Fayard	Nunez	Winchester
Fowler	Perez	Zervigon
Total—66.		

NOT VOTING

Delegates—		
Aertker	Anzalone	Burns
Alexander	Berry	Chehardy

Comar	Leigh	Silverberg
Cowen	Leithman	Tate
Dennery	McDaniel	Thistlethwaite
Derbes	Munson	Vick
Edwards	Ourso	Wattigny
Giarrusso	Roy	Womack
Jack	Sandoz	
Lambert	Shannon	
Total—28.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 19 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. (A) Except as otherwise provided in this constitution, and except for the office of assessor, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a parish or city school district, shall be filled by appointment by the governing authority of such local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

(B) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions."

Delegate Kean moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 96 yeas and 8 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 15, was read as amended.

Delegate Kean moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Bollinger	Conino
Abraham	Brien	Conroy
Alario	Brown	Corne
Arnette	Burns	D'Gerolamo
Asseff	Burson	De Blieux
Avant	Cannon	Dennis
Badeaux	Carmouche	Drew
Bel	Casey	Dunlap
Bergeron	Champagne	Duval
Blair	Chatelain	Elkins

Fayard	Landry, A.	Segura
Flory	Landry, E. J.	Singletary
Fontenot	Lanier	Slay
Fowler	LeBleu	Smith
Fulco	Lennox	Stagg
Gauthier	Lowe	Stephenson
Ginn	Martin	Stovall
Goldman	Mauberret	Sutherland
Gravel	Miller	Tapper
Grier	Mire	Thompson
Guarisco	Newton	Tobias
Hardee	Nunez	Toca
Hayes	Perez	Toomy
Heine	Perkins	Ullo
Hernandez	Planchard	Vesich
Jack	Pugh	Wall
Jenkins	Rachal	Weiss
Juneau	Rayburn	Willis
Kean	Reeves	Winchester
Kelly	Riecke	Wisham
Kilbourne	Robinson	Zervigon
Kilpatrick	Roemer	
Landrum	Schmitt	
Total—97.		

NAYS

Delegates—		
Haynes	Soniat	Velazquez
Jackson, A.	Stinson	Warren
Jackson, J.		
Total—7.		

NOT VOTING

Delegates—		
Aertker	Edwards	Roy
Alexander	Giarrusso	Sandoz
Anzalone	Lambert	Shannon
Berry	Leigh	Silverberg
Chehardy	Leithman	Tate
Comar	McDaniel	Thistlethwaite
Cowen	Munson	Vick
Dennery	O'Neill	Wattigny
Derbes	Ourso	Womack
Deshotels		
Total—28.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Leave of Absence

Delegate Dennery—1 day.
Delegate McDaniel—3 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Friday, September 28, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, September 28, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

FIFTY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, September 28, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fontenot	Perkins
Abraham	Fowler	Planchar
Aertker	Fulco	Pugh
Alario	Gauthier	Rachal
Alexander	Ginn	Rayburn
Anzalone	Goldman	Reeves
Arnette	Gravel	Riecke
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Berry	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Brown	Jackson, J.	Smith
Burns	Jenkins	Soniat
Burson	Juneau	Stagg
Cannon	Kean	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tapper
Chehardy	Landrum	Tate
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Lanier	Toca
Corne	LeBleu	Toomy
Cowen	Leigh	Ullo
D'Gerolamo	Leithman	Velazquez
De Blieux	Lennox	Vesich
Dennerly	Lowe	Vick
Dennis	Martin	Wall
Derbes	Mauberret	Warren
Deshotels	Miller	Wattigny
Drew	Mire	Weiss
Dunlap	Munson	Willis
Duval	Newton	Winchester
Edwards	Nunez	Wisham
Elkins	O'Neill	Womack
Fayard	Ourso	Zervigon
Flory	Perez	
Total—128.		

ABSENT

Delegates—		
Giarrusso	Silverberg	Thistlethwaite
McDaniel		
Total—4.		

The Chairman announced that there were 128 members
present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Briene led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Bollinger, the reading of the Journal
was dispensed with.

On motion of Delegate Bollinger, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fow-
ler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier,
Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zer-
vigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 17, when it adjourned
on Thursday, September 27, 1973, which was taken up and
acted upon as follows:

Section 16. Legislation Increasing Financial Burden of Po- litical Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures, or
a deduction from the funds of a political subdivision for sal-
aries of local public officials or for wages, hours, working
conditions, pension and retirement benefits, vacation or sick
leave benefits of political subdivision employees, or an in-
crease in commissions of or for local political subdivision
offices, except a law providing for civil service, minimum
wages, working conditions, and retirement benefits for fire-
men and policemen, shall have effect until approved by or-
dinance enacted by the governing authority of the political
subdivision affected thereby or until the legislature appro-
priates funds to the affected political subdivision for that
purpose and only to the extent and amount that such funds
are provided.

Read.

Delegate Robinson sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Robinson, Corne, and A.
Jackson to Committee Proposal No. 17 by Delegate Perez,
et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, at the end of line 21, add the following:
"Nothing in this Section shall be construed as applying
to parish and municipal school boards."

Delegate Robinson moved the adoption of the amendment.

Delegate Asseff objected.

PAGE 2

56th Days Proceedings—September 28, 1973

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Nunez
Abraham	Fulco	O'Neill
Alario	Gauthier	Perez
Alexander	Ginn	Planchard
Avant	Goldman	Rachal
Badeaux	Gravel	Rayburn
Bergeron	Grier	Reeves
Berry	Guarisco	Robinson
Blair	Hardee	Roemer
Brien	Hayes	Sandoz
Burns	Haynes	Schmitt
Burson	Heine	Shannon
Cannon	Hernandez	Singletary
Casey	Jack	Slay
Champagne	Jackson, A.	Smith
Chatelain	Jackson, J.	Soniat
Chehardy	Jenkins	Stephenson
Comar	Juneau	Stinson
Conino	Kelly	Stovall
Conroy	Kilbourne	Tate
Corne	Lambert	Thompson
Cowen	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullo
De Blieux	Lanier	Velazquez
Dennery	LeBleu	Vesich
Dennis	Leigh	Vick
Derbes	Leithman	Warren
Drew	Lennox	Weiss
Dunlap	Lowe	Willis
Duval	Martin	Winchester
Elkins	Mauberret	Wisham
Fayard	Miller	Womack
Flory	Mire	Zervigon
Fontenot	Newton	
Total—101.		

NAYS

Delegates—		
Asseff	Riecke	Sutherland
Deshotels	Segura	
Total—5.		

NOT VOTING

Delegates—		
Aertker	Kean	Silverberg
Anzalone	Kilpatrick	Stagg
Arnette	Landrum	Tapper
Bel	McDaniel	Thistlethwaite
Bollinger	Munson	Tobias
Brown	Ourso	Toca
Carmouche	Perkins	Wall
Edwards	Pugh	Wattigny
Giarrusso	Roy	
Total—26.		

And the amendment was adopted.

Delegate Robinson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 14, immediately after the word "offices"

delete the punctuation and partial word " , ex-" and delete lines 15 and 16 in their entirety, and at the beginning of line 17 delete the partial word and punctuation "men,"

Delegate Tobias moved the previous question on the amendment.

Delegate J. Jackson objected.

By a vote of 17 yeas and 86 nays the Convention refused to order the previous question at this time.

Delegate Deshotels suggested the absence of a quorum and asked for a record vote.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Ginn	Pugh
Alario	Goldman	Rachal
Alexander	Gravel	Rayburn
Anzalone	Grier	Reeves
Asseff	Guarisco	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bergeron	Haynes	Roy
Berry	Heine	Sandoz
Blair	Hernandez	Schmitt
Bollinger	Jack	Segura
Brien	Jackson, A.	Shannon
Burns	Jackson, J.	Singletary
Burson	Jenkins	Slay
Cannon	Juneau	Smith
Carmouche	Kean	Soniat
Casey	Kelly	Stagg
Champagne	Kilbourne	Stephenson
Chatelain	Kilpatrick	Stinson
Chehardy	Lambert	Stovall
Comar	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Cowen	Lanier	Thompson
D'Gerolamo	LeBleu	Tobias
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lennox	Velazquez
Derbes	Lowe	Vesich
Deshotels	Martin	Vick
Drew	Mauberret	Wall
Dunlap	Miller	Warren
Duval	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fowler	O'Neill	Womack
	Perez	Zervigon
Total—120.		

NAYS

Delegates—
Total—0.

NOT VOTING

Delegates—		
Bel	Fontenot	Silverberg
Brown	Giarrusso	Thistlethwaite
Corne	McDaniel	Toca
Edwards	Ourso	Wattigny
Total—12.		

And the Chairman announced that there were 120 members present and a quorum.

Delegate Lennox moved the adoption of the amendment.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alexander	Elkins	Miller
Anzalone	Fontenot	Perez
Arnette	Fulco	Perkins
Badeaux	Gauthier	Riecke
Bollinger	Grier	Sandoz
Burson	Hardee	Schmitt
Casey	Heine	Singletary
Champagne	Hernandez	Smith
Chatelain	Juneau	Soniat
Conino	Kean	Stagg
Conroy	Kelly	Sutherland
Cowen	Kilbourne	Tobias
Dennery	Landry, A.	Velazquez
Derbes	Lanier	Willis
Drew	LeBleu	Winchester
Duval	Lennox	Zervigon
Total—48.		

NAYS

Delegates—		
Mr. Chairman	Gravel	Rayburn
Abraham	Guarisco	Reeves
Aertker	Hayes	Robinson
Alario	Haynes	Roemer
Asseff	Jack	Roy
Avant	Jackson, A.	Segura
Bergeron	Jackson, J.	Shannon
Berry	Jenkins	Slay
Blair	Kilpatrick	Stephenson
Brien	Lambert	Stinson
Burns	Landrum	Stovall
Cannon	Landry, E. J.	Tapper
Carmouche	Leigh	Tate
Chehardy	Leithman	Thompson
Comar	Lowe	Toomy
D'Gerolamo	Martin	Ullo
De Blieux	Mauberret	Vesich
Dennis	Mire	Vick
Deshotels	Munson	Wall
Dunlap	Newton	Warren
Fayard	Nunez	Weiss
Flory	O'Neill	Wisham
Fowler	Planchard	Womack
Ginn	Pugh	
Goldman	Rachal	
Total—73.		

NOT VOTING

Delegates—		
Bel	Giarrusso	Thistlethwaite
Brown	McDaniel	Toca
Corne	Ourso	Wattigny
Edwards	Silverberg	
Total—11.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9 delete lines 7 through 21, both inclusive, in their entirety

Delegate Lowe moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Drew	Perez
Badeaux	Duval	Perkins
Bergeron	Elkins	Rayburn
Burson	Fontenot	Riecke
Casey	Gauthier	Sandoz
Champagne	Hernandez	Schmitt
Chatelain	Landrum	Smith
Conino	Landry, A.	Stagg
Conroy	Lanier	Sutherland
De Blieux	Lennox	Tate
Dennery	Lowe	Willis
Dennis	Miller	Winchester
Total—36.		

NAYS

Delegates—		
Mr. Chairman	Ginn	Rachal
Abraham	Goldman	Reeves
Alario	Gravel	Roemer
Alexander	Grier	Roy
Anzalone	Guarisco	Shannon
Arnette	Hayes	Singletary
Asseff	Heine	Slay
Avant	Jack	Soniat
Berry	Jackson, A.	Stephenson
Bollinger	Jackson, J.	Stinson
Brien	Jenkins	Stovall
Burns	Juneau	Tapper
Cannon	Kelly	Thompson
Carmouche	Kilpatrick	Tobias
Chehardy	Landry, E. J.	Toca
Comar	Leigh	Toomy
Cowen	Leithman	Ullo
D'Gerolamo	Martin	Velazquez
Derbes	Mauberret	Vesich
Deshotels	Mire	Vick
Dunlap	Newton	Wall
Edwards	Nunez	Warren
Fayard	O'Neill	Wattigny
Flory	Ourso	Weiss
Fowler	Planchard	Wisham
Fulco	Pugh	Zervigon
Total—78.		

NOT VOTING

Delegates—		
Bel	Haynes	Munson
Blair	Kean	Robinson
Brown	Kilbourne	Segura
Corne	Lambert	Silverberg
Giarrusso	LeBleu	Thistlethwaite
Hardee	McDaniel	Womack
Total—18.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Edwards sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Mire, Martin, Slay, A. Landry, Toomy, Ullo, Carmouche, Chehardy, Gravel, Winchester, Ourso, A. Jackson, Flory, Edwards, Avant, J. Jackson, Guarisco, Burson, Mauberret, Duval, Planchard, Roy, Alario, Toca, Wattigny, Leithman, D'Gerolamo and Rayburn, to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, at the end of line 9, delete the word and punctuation "or"

AMENDMENT No. 2—

On page 9, delete line 10 in its entirety

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AMENDMENT No. 3—

On page 9, at the beginning of line 11, delete the following: "aires of local public officials or"

AMENDMENT No. 4—

On page 9, at the end of line 13, delete the following: "or an increase"

AMENDMENT No. 5—

On page 9, at the beginning of line 14, delete the following: "in commissions of or for local political subdivision offices,"

Delegate Mire moved the adoption of the amendment.

Delegate Abraham objected.

By a vote of 109 yeas and 3 nays the amendment was adopted.

Delegate Mire moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rachal sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rachal, Chatelain, and J. Jackson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 15, after the word "service" and before the comma "," add the following: "and, when not included under city or parish civil service"

Delegate Rachal moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 43 yeas and 71 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9 between lines 21 and 22 insert the following: "No local government subdivision shall discriminate in providing civil service, minimum wages, working conditions or retirement benefits against any of its employees individually or as a class, the provisions of this constitution or any general law notwithstanding."

Delegate Lennox moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Chatelain	Grier
Bollinger	Conino	Heine
Burson	Dennery	Hernandez
Carmouche	Derbes	Jackson, J.
Casey	Gauthier	Juneau

Kean
Kelly
Landrum
Landry, A.
Lanier
Lennox
Lowe

Total—36.

Delegates—

Alario
Alexander
Anzalone
Arnette
Asseff
Avant
Badeaux
Bergeron
Berry
Brien
Brown
Burns
Cannon
Champagne
Chehardy
Comar
Conroy
Cowen
D'Gerolamo
De Blieux
Dennis
Deshotels
Drew
Dunlap
Duval
Edwards

Total—76.

Delegates—

Mr. Chairman
Aertker
Bel
Blair
Corne
Fontenot
Giarrusso

Total—20.

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 15, after the word "a" and before the word "law" insert the word "general"

AMENDMENT No. 2—

On page 9, line 16, after the word "benefits" and before the word "firemen" strike out the word "for" and insert in lieu thereof the following:

"which uniformly applies, both in terms and effect, to all"

Delegate Casey moved the adoption of the amendment.

Delegate Wall objected.

A record vote was asked for and obtained by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Alexander	Bollinger
Aertker	Bergeron	Burns

Miller
Perkins
Rachal
Riecke
Sandoz
Smith
Soniat

Stagg
Sutherland
Tobias
Velazquez
Warren
Willis
Winchester

NAYS

Elkins
Fayard
Flory
Fowler
Fulco
Ginn
Goldman
Gravel
Guarisco
Hayes
Jack
Jackson, A.
Jenkins
Kilbourne
Kilpatrick
Landry, E. J.
Leigh
Leithman
Martin
Mauberret
Mire
Nunez
O'Neill
Ourso
Perez
Planchard

Pugh
Rayburn
Reeves
Roemer
Roy
Shannon
Singleary
Slay
Stephenson
Stinson
Stovall
Tapper
Tate
Thompson
Toca
Toomy
Uilo
Vesich
Vick
Wall
Wattigny
Weiss
Wisham
Zervigon

Robinson
Schmitt
Segura
Silverberg
Thistlethwaite
Womack

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Carmouche	Jackson, J.	Riecke
Casey	Juneau	Sandoz
Chatelain	Kean	Schmitt
Conino	Kilbourne	Singletary
Conroy	Landrum	Smith
Cowen	Landry, A.	Soniat
Dennery	Lanier	Stagg
Dennis	Lennox	Stovall
Derbes	Lowe	Sutherland
Duval	Mauberrret	Tobias
Gauthier	Miller	Velazquez
Goldman	Perez	Weiss
Grier	Newton	Willis
Heine	Perkins	Zervigon
Hernandez	Rachal	
Total—50.		

NAYS

Delegates—	Fayard	Pugh
Mr. Chairman	Flory	Rayburn
Alario	Fowler	Reeves
Anzalone	Fulco	Roemer
Arnette	Ginn	Roy
Asseff	Gravel	Shannon
Avant	Guarisco	Slay
Badeaux	Hayes	Stephenson
Berry	Jack	Stinson
Brien	Jackson, A.	Tapper
Brown	Jenkins	Thompson
Burson	Kelly	Toca
Cannon	Kilpatrick	Toomy
Champagne	Landry, E. J.	Ullo
Chehardy	Leigh	Vesich
Comar	Leithman	Vick
D'Gerolamo	Martin	Wall
De Blieux	Mire	Warren
Deshotels	Nunez	Wattigny
Drew	O'Neill	Wisham
Dunlap	Ourso	Womack
Edwards	Planchard	
Elkins		
Total—65.		

NOT VOTING

Delegates—	Haynes	Segura
Bel	Lambert	Silverberg
Blair	LeBleu	Tate
Corne	McDaniel	Thistlethwaite
Fontenot	Munson	Winchester
Giarrusso	Robinson	
Hardee		
Total—17.		

And the amendments were rejected.

Delegate Wall moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Martin sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Edwards, Martin, and Ourso to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 16, after the word "and" and before the word "police—" insert the word "municipal"

Delegate Martin moved the adoption of the amendment.

Delegate Schmitt objected.

By a vote of 89 yeas and 22 nays the amendment was adopted.

Delegate Martin moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 16, was read, as amended.

Delegate D'Gerolamo moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Edwards	Ourso
Mr. Chairman	Elkins	Planchard
Abraham	Fayard	Pugh
Aertker	Flory	Rachal
Alario	Fowler	Reeves
Alexander	Ginn	Roemer
Anzalone	Goldman	Roy
Arnette	Gravel	Shannon
Asseff	Guarisco	Singletary
Avant	Hayes	Slay
Badeaux	Jack	Soniat
Bergeron	Jackson, A.	Stephenson
Berry	Jackson, J.	Stinson
Bollinger	Jenkins	Stovall
Brien	Juneau	Tapper
Brown	Kelly	Thompson
Burns	Kilpatrick	Toca
Cannon	Landrum	Toomy
Carmouche	Landry, A.	Ullo
Champagne	Landry, E. J.	Vesich
Chatelain	Leigh	Vick
Chehardy	Leithman	Wall
Comar	Martin	Warren
Cowen	Mauberrret	Wattigny
D'Gerolamo	Mire	Weiss
De Blieux	Newton	Winchester
Derbes	Nunez	Wisham
Deshotels	O'Neill	Zervigon
Dunlap		
Duval		
Total—85.		

NAYS

Delegates—	Kean	Sandoz
Burson	Kilbourne	Schmitt
Casey	Lanier	Smith
Conino	Lennox	Stagg
Conroy	Lowe	Sutherland
Dennery	Miller	Tate
Dennis	Perez	Tobias
Gauthier	Perkins	Velazquez
Grier	Rayburn	Willis
Heine	Riecke	Womack
Hernandez		
Total—30.		

NOT VOTING

Delegates—	Giarrusso	Munson
Bel	Hardee	Robinson
Blair	Haynes	Segura
Corne	Lambert	Silverberg
Drew	LeBleu	Thistlethwaite
Fontenot	McDaniel	
Fulco		
Total—17.		

And the Chair declared that the above Section was passed.

Delegate D'Gerolamo moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. (A) In addition to any other powers granted by the legislature, the governing authority of a local governmental subdivision shall have the following discretionary powers over any agency heretofore or hereafter created by it: (1) to appoint and remove members of the governing body of the agency; (2) to exercise budgetary and fiscal control over the agency, including the power to modify or veto its operating budget, veto or reduce line items, or substitute a different budget therefor; (3) to abolish the governing body of the agency and to substitute itself therefor, with authority to

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exercise all of its powers and perform all of its functions; and (4) to abolish the agency if the obligations or indebtedness of the agency are not thereby impaired.

(B) No such agency shall have authority to levy a tax, impose any charge, or issue bonds unless the proposal therefor is first approved by the governing authority of the local governmental subdivision, and the requirements of this constitution and applicable laws relative to the levy of taxes and the issuance of bonds are complied with. However, after such original approval is granted no further approval shall be required.

(C) If the creation of the agency required the concurrence of two or more local governmental subdivisions, concurrence of all of them shall be required for the exercise of the above powers.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9 delete lines 22 through 32, both inclusive, in their entirety and on page 10 delete lines 1 through 16, both inclusive, in their entirety

Delegate Gravel moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Gauthier	Roemer
Alario	Ginn	Roy
Alexander	Goldman	Slay
Avant	Gravel	Soniat
Berry	Guarisco	Stovall
Brien	Hayes	Sutherland
Casey	Heine	Tapper
Champagne	Jackson, A.	Tobias
Chehardy	Kilpatrick	Toca
Conroy	Landry, E. J.	Ullo
Cowen	Leithman	Vesich
D'Gerolamo	Lowe	Vick
De Blieux	Mire	Wall
Dennery	Newton	Warren
Dunlap	O'Neill	Wattigny
Flory	Perkins	Wisham
Fulco	Pugh	Womack

Total—51.

NAYS

Delegates—

Abraham	Dennis	Landry, A.
Anzalone	Deshotels	Lanier
Arnette	Drew	LeBleu
Asseff	Elkins	Leigh
Badeaux	Fayard	Lennox
Bergeron	Fowler	Martin
Bollinger	Grier	Mauberret
Brown	Hernandez	Nunez
Burns	Jack	Ourso
Burson	Jackson, J.	Perez
Cannon	Jenkins	Planchar
Carmouche	Juneau	Reeves
Chatelain	Kean	Riecke
Comar	Kelly	Robinson
Conino	Kilbourne	Sandoz

Singletary
Smith
Stagg
Stephenson
Total—57.

Stinson
Thompson
Toomy
Velazquez

Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—
Mr. Chairman
Bel
Blair
Corne
Derbes
Duval
Edwards
Fontenot
Total—24.

Giarrusso
Hardee
Haynes
Lambert
Landrum
McDaniel
Miller
Munson

Rachal
Rayburn
Schmitt
Segura
Shannon
Silverberg
Tate
Thistlethwaite

And the amendment was rejected.

Delegate Lanier moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Duval, Kean and Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, delete lines 24 through 32 in their entirety and on page 10 delete lines 1 through 16 in their entirety, and in lieu thereof insert the following:

"Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency."

On motion of Delegate Kean the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

In Convention Floor Amendment No. 1 proposed by Delegate Duval, et al., and adopted by the Convention on September 28, 1973, on line 5, of the language added thereby immediately after the words "such agency" and before the words "and to" insert the following:

"to reverse or modify any decision of the agency"

Delegate Jenkins moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 17 yeas and 85 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 17, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham

Aertker

Alario

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Alexander	Fowler	Planchard
Anzalone	Fulco	Pugh
Arnette	Gauthier	Reeves
Asseff	Ginn	Riecke
Avant	Goldman	Robinson
Badeaux	Gravel	Roemer
Bergeron	Grier	Roy
Berry	Guarisco	Sandoz
Bollinger	Hayes	Schmitt
Brien	Heine	Singleary
Brown	Hernandez	Slay
Burns	Jack	Soniat
Burson	Jackson, J.	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilbourne	Tapper
Chehardy	Kilpatrick	Tate
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leigh	Velazquez
Dennerly	Leithman	Vesich
Dennis	Lennox	Vick
Derbes	Lowe	Wall
Deshotels	Maubertret	Warren
Drew	Mire	Weiss
Dunlap	Newton	Willis
Duval	Nunez	Winchester
Elkins	O'Neill	Wisham
Fayard	Perez	Womack
Flory	Perkins	Zervigon

Total—108.

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Rachal
Bel	Jackson, A.	Rayburn
Blair	Lambert	Segura
Corne	McDaniel	Shannon
Edwards	Martin	Silverberg
Fontenot	Miller	Smith
Giarrusso	Munson	Thistlethwaite
Hardee	Ourso	Wattigny

Total—24.

And the Chair declared that the above Section was passed.

Delegate Zervigon moved to reconsider the vote by which the above Section was passed, and, on her own motion, the motion to reconsider was laid on the table.

Section 18. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 18. (A) Any local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or local public agency. No such merger and consolidation shall take effect unless a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district vote in favor of such proposition. No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.

(B) If the special district or local public agency which is consolidated and merged has any outstanding indebted-

ness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by the governing authority or authorities of the local governmental subdivisions involved.

Read.

Motion

Delegate Pugh moved the previous questions on the entire subject matter.

Delegate Robinson objected.

By a vote of 83 yeas and 21 nays and the previous question was ordered.

Delegate Zervigon moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Pugh
Aertker	Fayard	Rayburn
Alario	Flory	Reeves
Alexander	Fowler	Riecke
Anzalone	Fulco	Robinson
Arnette	Gauthier	Roemer
Asseff	Ginn	Roy
Avant	Goldman	Sandoz
Badeaux	Gravel	Schmitt
Bergeron	Grier	Singleary
Berry	Hayes	Slay
Blair	Heine	Smith
Bollinger	Hernandez	Soniat
Brien	Jack	Stagg
Brown	Jackson, J.	Stephenson
Burns	Juneau	Stovall
Burson	Kean	Sutherland
Cannon	Kelly	Tapper
Carmouche	Kilbourne	Tate
Casey	Kilpatrick	Thompson
Champagne	Lambert	Tobias
Chatelain	Landrum	Toca
Chehardy	Landry, A.	Toomy
Comar	Landry, E. J.	Ullo
Conino	Lanier	Velazquez
Conroy	LeBleu	Vesich
Corne	Leigh	Vick
Cowen	Leithman	Wall
D'Gerolamo	Lennox	Warren
De Blieux	Lowe	Weiss
Dennerly	Maubertret	Willis
Dennis	Miller	Winchester
Derbes	Mire	Wisham
Deshotels	Nunez	Womack
Drew	Perez	Zervigon
Dunlap	Perkins	
Duval	Planchard	

Total—109.

NAYS

Delegates—		
Guarisco	Newton	Stinson
Jenkins	O'Neill	

Total—5.

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Rachal
Bel	Jackson, A.	Segura
Edwards	McDaniel	Shannon
Fontenot	Martin	Silverberg
Giarrusso	Munson	Thistlethwaite
Hardee	Ourso	Wattigny

Total—18.

And the Chair declared that the above Section was passed.

Delegate Zervigon moved to reconsider the vote by which the above Section was passed, and, on her own motion, the motion to reconsider was laid on the table.

Section 19. Historic Preservation Districts

Section 19. (A) In order to promote the educational, cul-

tural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas and districts of historic or architectural interest or importance, each local governmental subdivision, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

(B) The governing authority of each local governmental subdivision shall have the power and authority of review to affirm, reverse or modify, in whole or in part, any action or decision of any such commission.

Read.

Motion

Delegate Chatelain moved that the Convention adjourn until Saturday, September 29, 1973 at 9:00 o'clock A.M.

Delegate Abraham objected.

By a vote of 36 yeas and 71 nays the Convention refused to adjourn until Saturday, September 29, 1973, at 9:00 o'clock A.M.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates O'Neill, Lennox, Lowe, Wisham, A. Jackson, Flory, Haynes, Roy, and Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11 delete lines 11 through 25, both inclusive, in their entirety.

Delegate O'Neill moved the adoption of the amendment.

Delegate Casey objected.

By a vote of 52 yeas and 60 nays the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Leave of Absence

Delegate Bel—1½ days.

Delegate Corne—½ day.

Delegate Segura—1½ days.

Delegate Haynes—1½ days.

Adjournment

Delegate Conroy moved that the Convention do now adjourn until Saturday, September 29, 1973 at 9:00 o'clock A.M.

Delegate Thompson objected.

By a vote of 96 yeas and 7 nays the Convention adjourned until Saturday, September 29, 1973, at 9:00 o'clock A.M.

And Vice-Chairman Miller declared the Convention adjourned to Saturday, September 29, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

FIFTY SEVENTH DAY'S PROCEEDINGS

**of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature**

Saturday, September 29, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by Hon. Ruth Miller, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Abraham	Fulco	Rachal
Aertker	Gauthier	Rayburn
Alario	Ginn	Reeves
Alexander	Goldman	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bergeron	Heine	Segura
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Brien	Jackson, A.	Slay
Burns	Jackson, J.	Smith
Burson	Jenkins	Soniati
Cannon	Juneau	Stagg
Carmouche	Kean	Stephenson
Casey	Kelly	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Comar	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ullo
Dennery	Lowe	Velazquez
Dennis	Martin	Vesich
Derbes	Mauberret	Vick
Deshotels	Miller	Wall
Drew	Mire	Warren
Dunlap	Newton	Wattigny
Duval	Nunez	Weiss
Edwards	O'Neill	Willis
Elkins	Ourso	Winchester
Fayard	Perez	Wisham
Flory	Perkins	Womack
Fontenot	Planchard	Zervigon
Fowler	Pugh	
Total—119.		

ABSENT

Delegates—		
Mr. Chairman	Giarrusso	Munson
Bel	Haynes	Silverberg
Berry	Kilbourne	Thompson
Brown	Kilpatrick	
Chehardy	McDaniel	
Total—13.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Reeves led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Toomy, the reading of the Journal was dispensed with.

On motion of Delegate Toomy, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Section 19. Historic Preservation Districts

Section 19. (A) In order to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas and districts of historic or architectural interest or importance, each local governmental subdivision, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 19, when it adjourned on Friday, September 28, 1973, which was taken up and acted upon as follows:

Motion

On motion of Delegate Zervigon action on Committee Proposal No. 17, Sections 19 and 20, was deferred at this time.

Section 21. Industrial Areas

Section 21. The legislature may authorize parishes to create industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. Industrial areas shall not be subdivisions of the state.

Read.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates De Blieux, Schmitt, Jenkins, Goldman and Vick to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 12 delete lines 4 through 9, both inclusive, in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate Lennox objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Kelly	Slay
Alexander	Landrum	Soniat
Champagne	LeBleu	Stagg
De Blieux	Newton	Tate
Dunlap	Pugh	Velazquez
Duval	Rachal	Vick
Ginn	Roemer	Warren
Goldman	Schmitt	Weiss
Guarisco		
Total—25.		

NAYS

Delegates—

Aertker	Fayard	Nunez
Alario	Flory	O'Neill
Anzalone	Fontenot	Perez
Arnette	Fowler	Planchar
Asseff	Fulco	Rayburn
Avant	Gauthier	Reeves
Badeaux	Gravel	Riecke
Bergeron	Grier	Robinson
Blair	Hardee	Sandoz
Bollinger	Hayes	Shannon
Brien	Heine	Singletary
Burns	Hernandez	Smith
Burson	Jack	Stephenson
Cannon	Jackson, A.	Stinson
Carmouche	Jackson, J.	Sutherland
Casey	Jenkins	Tapper
Chatelain	Juneau	Thistlethwaite
Comar	Kean	Tobias
Conino	Lambert	Toca
Conroy	Landry, A.	Toomy
Corne	Landry, E. J.	Ulio
Cowen	Lanier	Vesich
D'Gerolamo	Leigh	Wattigny
Dennery	Leithman	Willis
Derbes	Lennox	Winchester
Deshotels	Lowe	Wisham
Drew	Martin	Womack
Edwards	Mauberret	Zervigon
Elkins	Mire	
Total—86.		

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Perkins
Bel	Kilbourne	Roy
Berry	Kilpatrick	Segura
Brown	McDaniel	Silverberg
Chehardy	Miller	Stovall
Dennis	Musnon	Thompson
Giarrusso	Ourso	Wall
Total—21.		

And the amendment was rejected.

Delegate Womack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 6, after the word "create" and before the word "industrial" insert the words "and define"

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 8, after the word and punctuation "determine," and before the word "Industrial" insert the following:

"All industrial areas so created hereafter shall include provisions for access by public road to any and all entrances to the premises of each and every plant in such area which entrances are provided for use by employees of such company, or for use by employees of independent contractors working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises. Where individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area."

Delegate Flory moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Fulco	Planchar
Alario	Gauthier	Pugh
Alexander	Goldman	Rachal
Anzalone	Gravel	Rayburn
Asseff	Hardee	Reeves
Avant	Hayes	Riecke
Bergeron	Heine	Robinson
Blair	Hernandez	Roemer
Brien	Jack	Roy
Burns	Jackson, A.	Sandoz
Cannon	Jackson, J.	Shannon
Carmouche	Jenkins	Slay
Casey	Juneau	Smith
Champagne	Kean	Soniat
Chatelain	Lambert	Stephenson
Comar	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Toca
Corne	LeBleu	Velazquez
D'Gerolamo	Lennox	Vesich
Dennery	Lowe	Vick
Dennis	Martin	Warren
Derbes	Mauberret	Wattigny
Deshotels	Mire	Willis
Dunlap	Newton	Winchester
Edwards	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Perez	Zervigon
Fowler		
Total—85.		

NAYS

Delegates—

Abraham	Badeaux	Burson
Arnette	Bollinger	De Blieux

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Drew	Lanier	Thistlethwaite
Duval	Leithman	Tobias
Elkins	Schmitt	Toomy
Fontenot	Singletary	Ullo
Grier	Stagg	Weiss
Guarisco	Stinson	
Total—23.		

NOT VOTING

Delegates—	Haynes	Ourso
Mr. Chairman	Kelly	Perkins
Bel	Kilbourne	Segura
Berry	Kilpatrick	Silverberg
Brown	Leigh	Stovall
Chehardy	McDaniel	Tate
Cowen	Miller	Thompson
Giarrusso	Munson	Wall
Ginn		
Total—24.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 21, was read as amended.

Delegate Kean moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Rachal
Aertker	Fowler	Rayburn
Alario	Fulco	Reeves
Alexander	Gauthier	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Heine	Shannon
Bergeron	Hernandez	Singletary
Blair	Jack	Smith
Bollinger	Jackson, A.	Soniati
Brien	Jackson, J.	Stephenson
Burns	Jenkins	Stinson
Burson	Juneau	Sutherland
Cannon	Kean	Tapper
Carmouche	Lambert	Thistlethwaite
Casey	Landry, A.	Toca
Chatelain	Landry, E. J.	Toomy
Comar	Lanier	Ullo
Conino	LeBleu	Velazquez
Conroy	Leigh	Vesich
Corne	Leithman	Vick
D'Gerolamo	Lennox	Warren
Dennery	Lowe	Wattigny
Dennis	Martin	Weiss
Derbes	Maubert	Willis
Deshotels	Mire	Winchester
Drew	Nunez	Wisham
Dunlap	O'Neill	Womack
Edwards	Perez	Zervigon
Elkins	Perkins	
Fayard	Planchard	
Flory		
Total—97.		

NAYS

Delegates—	Guarisco	Slay
Abraham	Landrum	Stagg
Champagne	Newton	Tate
De Blieux	Pugh	Tobias
Duval	Schmitt	
Goldman		
Total—14.		

NOT VOTING

Delegates—	Ginn	Munson
Mr. Chairman	Haynes	Ourso
Bel	Kelly	Segura
Berry	Kilbourne	Silverberg
Brown	Kilpatrick	Stovall
Chehardy	Cowen	Thompson
Cowen	McDaniel	Wall
Giarrusso	Miller	
Total—21.		

And the Chair declared that the above Section was passed.

Delegate Kean moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

EXPLANATION OF VOTE

Delegate Pugh sent up the following explanation of vote with respect to the question of the adoption of Section 21 of Committee Proposal No. 17.

"I have voted against this Section based upon my opinion that the subject matter thereof is purely legislative in nature."

Section 22. Creation of Special Districts by the Legislature; Authority

Section 22. Subject to the limitations imposed in this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation, the power to incur debt and issue bonds, and the power to reclaim property from the beds of lakes and streams.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 20, after the word "bonds" change the comma "," to a period "." and delete the remainder of the line and delete line 21 in its entirety

On motion of Delegate Avant the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 12, after the word "to" and before the word "this" delete the words "the limitations imposed in" and insert in lieu thereof: "and not inconsistent with the provisions of"

Delegate Gravel moved the adoption of the amendment.

Delegate Anzalone objected.

By a vote of 99 yeas and 4 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux, Roemer, Berry, Schmitt, Guarisco, Champagne, and J. Jackson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12 delete lines 10 through 21, both inclusive, in their entirety including all Convention Floor Amendments thereto.

Delegate De Blieux moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 14 yeas and 91 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 19, immediately after the word "proper" change the comma "," to a period "." and delete the remainder of the line and delete lines 20 and 21 in their entirety.

On motion of Delegate Kean the previous question was ordered on the amendment.

On motion of Delegate Champagne, and under a suspension of the rules, the amendment was withdrawn.

Passage

Committee Proposal No. 17, Section 22, was read as

Delegate Kean moved the passage of the Section, amended.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Dennery
Aertker	Dennis
Alario	Derbes
Alexander	Drew
Anzalone	Dunlap
Annette	Edwards
Asseff	Elkins
Avant	Fayard
Badeaux	Flory
Bergeron	Fontenot
Blair	Fowler
Bollinger	Fulco
Brien	Gauthier
Burns	Ginn
Burson	Goldman
Cannon	Gravel
Carmouche	Grier
Casey	Guarisco
Chatelain	Hardee
Conino	Hayes
Conroy	Heine
Corne	Hernandez
Cowen	Jack
D'Gerolamo	Jackson, A.

Jackson, J.
Juneau
Kean
Kelly
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
Martin
Mauberret
Mire
Nunez
O'Neill
Perez
Perkins
Planchard
Rachal
Rayburn

Reeves	Stephenson
Riecke	Stinson
Robinson	Stovall
Roemer	Sutherland
Roy	Tapper
Sandoz	Tate
Shannon	Thistlethwaite
Singletary	Tobias
Slay	Toca
Smith	Toomy
Soniat	Ullo
Stagg	Velazquez

Total—106.

NAYS

Delegates—
Champagne
De Blieux
Duval

Jenkins
Newton
Pugh

Schmitt
Weiss

Total—8.

NOT VOTING

Delegates—
Mr. Chairman
Bel
Berry
Brown
Chehardy
Comar

Deshotel's
Giarrusso
Haynes
Kilbourne
Kilpatrick
McDaniel

Miller
Munson
Ourso
Segura
Silverberg
Thompson

Total—18.

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

EXPLANATION OF VOTE

Delegate Pugh offered the following explanation of vote with respect to the question of the adoption of Section 22 of Committee Proposal No. 17:

"I have voted against this Section based upon my opinion that the subject matter thereof is purely legislative in nature."

Section 23. Intergovernmental Cooperation

Section 23. (A) Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not require political subdivisions to exercise powers or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature require consolidation of governmental functions of local governmental subdivisions. However, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and performance of functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.

Read.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 23, after the word "subdivision" and before the word "may" insert the following:
"or school board"

AMENDMENT No. 2—

the comma "," insert the following:
"or school boards"

AMENDMENT No. 3—

On page 12, line 30, after the word "subdivisions" and before the word "to" insert the following:
"or school boards"

AMENDMENT No. 4—

On page 12, line 32, after the word "subdivision" and before the comma ",", insert the following:
"or school boards"

Delegate Burson moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 92 yeas and 13 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, delete lines 23 through 32, both inclusive, in their entirety and on page 13 delete lines 1 through 8, both inclusive, including all Convention Floor Amendments thereto in their entirety and insert in lieu thereof the following:

"Section 23. Except as otherwise provided by law, any political subdivision may, but shall not be required to, exercise any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either with the state, the United States, or agencies thereof."

Delegate Pugh moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 27 yeas and 77 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 26, after the word "within" and before the word "the" delete the words "or without"

On motion of Delegate Flory the amendment was withdrawn.

On motion of Delegate Flory further action on Section 23 was deferred at this time.

Section 24. Assistance to Local Industry by Political Subdivisions

Section 24. (A) Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein, or (2) to provide for the establishment and furnishing of industrial plants for the conversion or processing of raw farm or agricultural products, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission or any successor thereto, and use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (b) to acquire, through purchase or otherwise, and to improve, industrial plant buildings and industrial plant equipment, machinery, furnishings, and ap-

purtenances; and (c) to sell, lease, or otherwise dispose of all or any part of the foregoing.

(B) It is hereby found and declared that the purposes designed to be accomplished herein are public and proper legal purposes and will be of public benefit to the political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district issuing the bonds.

Read.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 22, after the word "acquire" and before the word "and" insert the following:
"by purchase, donation, or exchange"

AMENDMENT No. 2—

On page 13, line 24, after the word "acquire" delete the remainder of the line and at the beginning of line 25 delete the words and punctuation "or otherwise," and insert in lieu thereof the following:
"by purchase, donation, or exchange"

AMENDMENT No. 3—

On page 13 delete lines 29 through 32, both inclusive, in their entirety and on page 14 delete line 1 in its entirety.

Motion

On motion of Delegate Smith, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Mr. Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Thursday, October 4, 1973, at 9:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

Consideration of Delegate Proposals Nos. 54, 66, 92, 3, 53.

Respectfully submitted,

DELEGATE ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate Kilpatrick—1 day.
Delegate Kilbourne—1 day.
Delegate Thompson—1 day.
Delegate Chehardy—1 day.

Adjournment

Delegate Nunez moved that the Convention do now adjourn until Tuesday, October 2, 1973, at 1:30 o'clock P. M.

As a substitute Delegate Lennox moved that the Convention adjourn until Tuesday, October 2, 1973, at 1:00 o'clock P. M.

The vote recurred on the longest period of time.

By a vote of 65 yeas and 11 nays the Convention adjourned until Tuesday, October 2, 1973, at 1:30 o'clock P. M.

And Vice-Chairman Miller declared the Convention adjourned to Tuesday, October 2, 1973, at 1:30 o'clock P. M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

FIFTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, October 2, 1973, Baton Rouge, La.

The Convention was called to order at 1:30 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Flory	O'Neill
Mr. Chairman	Fontenot	Ourso
Abraham	Fowler	Perez
Aertker	Fulco	Perkins
Alario	Gauthier	Planchard
Alexander	Giarrusso	Rachal
Anzalone	Ginn	Rayburn
Arnette	Goldman	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Berry	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Brown	Jackson, A.	Soniat
Burns	Jackson, J.	Stagg
Burson	Jenkins	Stephenson
Cannon	Juneau	Stovall
Carmouche	Kean	Sutherland
Casey	Kelly	Tapper
Champagne	Kilbourne	Tate
Chatelain	Kilpatrick	Thistlethwaite
Chehardy	Landrum	Thompson
Comar	Landry, E. J.	Tobias
Conino	Lanier	Toca
Conroy	LeBleu	Toomy
Corne	Leithman	Velazquez
Cowen	Lennox	Vesich
D'Gerolamo	Lowe	Vick
De Blieux	Martin	Warren
Dennis	Mauberret	Wattigny
Derbes	Miller	Willis
Deshotels	Mire	Wisham
Dunlap	Munson	Womack
Duval	Newton	Zervigon
Edwards	Nunez	
Fayard		
Total—113.		

ABSENT

Delegates—	Leigh	Smith
Bel	McDaniel	Stinson
Dennery	Pugh	Ullo
Drew	Segura	Wall
Elkins	Silverberg	Weiss
Jack	Slay	Winchester
Lambert		
Landry, A.		
Total—19.		

The Chairman announced that there were 113 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Arnette led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Warren, the reading of the Journal
was dispensed with.

On motion of Delegate Warren, the Journal of yesterday
was adopted.

Morning Hour
Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals
Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler,
Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves,
Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

**Section 24. Assistance to Local Industry by Political Sub-
divisions**

Section 24. (A) Subject to such restrictions as it may im-
pose, the legislature may authorize any political subdivi-
sion, deep-water port commission, or deep-water port, har-
bor, and terminal district, in order (1) to induce and en-
courage the location of or addition to industrial enterprises
therein, or (2) to provide for the establishment and furnish-
ing of industrial plants for the conversion or processing of
raw farm or agricultural products, or (3) to provide movable
or immovable property, or both, for pollution control facili-
ties: (a) to issue bonds, subject to the approval of the State
Bond Commission or any successor thereto, and use the
funds derived from the sale thereof to acquire and improve
industrial plant sites and other property necessary to the
purposes thereof; (b) to acquire, through purchase or other-
wise, and to improve, industrial plant buildings and industrial
plant equipment, machinery, furnishings, and appurtenances;
and (c) to sell, lease, or otherwise dispose of all or any part
of the foregoing.

(B) It is hereby found and declared that the purposes de-
signed to be accomplished herein are public and proper
legal purposes and will be of public benefit to the political
subdivision, deep-water port commission, or deep-water port,
harbor, and terminal district issuing the bonds.

Read.

Delegate Jenkins sent up floor amendments, which were
read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee
Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 22, after the word "acquire" and before
the word "and" insert the following:
"by purchase, donation, or exchange"

AMENDMENT No. 2—

On page 13, line 24, after the word "acquire" delete the

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remainder of the line and at the beginning of line 25 delete the words and punctuation "or otherwise," and insert in lieu thereof the following:
"by purchase, donation, or exchange"

AMENDMENT No. 3—

On page 13 delete lines 29 through 32, both inclusive, in their entirety and on page 14 delete line 1 in its entirety.

The Chairman announced that the Convention had under consideration the above amendments proposed by Delegate Jenkins to Committee Proposal No. 17, Section 24, when it adjourned on Saturday, September 29, 1973, which was taken up and acted upon as follows:

On motion of Delegate Jenkins a division of the question was ordered.

Delegate Jenkins moved the adoption of amendment No. 1.

Delegate Cannon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Gravel	Reeves
Arnette	Haynes	Roemer
Asseff	Jackson, A.	Roy
Berry	Jenkins	Singletary
Bollinger	Kelly	Stagg
Brien	Kilbourne	Tapper
Corne	Kilpatrick	Thompson
De Blieux	Landry, E. J.	Velazquez
Dunlap	Newton	Warren
Fulco	O'Neill	Womack
Goldman		
Total—31.		

NAYS

Delegates—

Aertker	Flory	Perez
Anzalone	Fowler	Perkins
Badeaux	Giarrusso	Planchard
Bergeron	Ginn	Riecke
Blair	Grier	Robinson
Burns	Hardee	Sandoz
Burson	Hayes	Shannon
Cannon	Heine	Soniat
Carmouche	Juneau	Sutherland
Casey	Kean	Tate
Champagne	Lanier	Thistlethwaite
Chatelain	Leithman	Tobias
Chehardy	Lennox	Toca
Comar	Lowe	Toomy
Conino	Martin	Vick
Conroy	Mauberret	Wattigny
D'Gerolamo	Mire	Willis
Derbes	Nunez	Zervigon
Fayard	Ourso	
Total—56.		

NOT VOTING

Delegates—

Mr. Chairman	Gauthier	Rayburn
Alario	Guarisco	Schmitt
Alexander	Hernandez	Segura
Avant	Jack	Silverberg
Bel	Jackson, J.	Slay
Brown	Lambert	Smith
Cowen	Landrum	Stephenson
Dennery	Landry, A.	Stinson
Dennis	LeBleu	Stovall
Deshotels	Leigh	Ullo
Drew	McDaniel	Vesich
Duval	Miller	Wall
Edwards	Munson	Weiss
Elkins	Pugh	Winchester
Fontenot	Rachal	Wisham
Total—45.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of amendment No. 2.

Delegate Cannon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Gravel	Reeves
Arnette	Haynes	Roemer
Berry	Jackson, A.	Roy
Bollinger	Jenkins	Singletary
Brien	Kelly	Stagg
Corne	Kilbourne	Tapper
De Blieux	Kilpatrick	Thompson
Dunlap	Landry, E. J.	Velazquez
Fulco	Newton	Warren
Goldman	O'Neill	Womack
Total—30.		

NAYS

Delegates—

Aertker	Fayard	Nunez
Anzalone	Flory	Ourso
Asseff	Fowler	Perez
Badeaux	Giarrusso	Perkins
Bergeron	Ginn	Planchard
Blair	Grier	Riecke
Burns	Hardee	Robinson
Burson	Hayes	Sandoz
Cannon	Heine	Shannon
Carmouche	Hernandez	Soniat
Casey	Juneau	Sutherland
Champagne	Kean	Tate
Chatelain	Landrum	Thistlethwaite
Chehardy	Lanier	Tobias
Comar	Leithman	Toca
Conino	Lennox	Toomy
Conroy	Lowe	Vick
D'Gerolamo	Martin	Wattigny
Dennis	Mauberret	Willis
Derbes	Mire	Zervigon
Total—60.		

NOT VOTING

Delegates—

Mr. Chairman	Gauthier	Schmitt
Alario	Guarisco	Segura
Alexander	Jack	Silverberg
Avant	Jackson, J.	Slay
Bel	Lambert	Smith
Brown	Landry, A.	Stephenson
Cowen	LeBleu	Stinson
Dennery	Leigh	Stovall
Deshotels	McDaniel	Ullo
Drew	Miller	Vesich
Duval	Munson	Wall
Edwards	Pugh	Weiss
Elkins	Rachal	Winchester
Fontenot	Rayburn	Wisham
Total—42.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of amendment No. 3.

Delegate Cannon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Aertker	Arnette
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Asseff	Jackson, A.
Berry	Jenkins
Bollinger	Kelly
Brien	Kilbourne
Champagne	Kilpatrick
Corne	Landry, E. J.
Dennis	LeBleu
Dunlap	Leithman
Goldman	Lennox
Gravel	Lowe
Hardee	Newton
Hayes	O'Neill
Haynes	Reeves
Total—40.	

NAYS

Delegates—	Flory	Perez
Anzalone	Fowler	Perkins
Badeaux	Fulco	Planchard
Bergeron	Giarrusso	Riecke
Blair	Ginn	Robinson
Burns	Grier	Sandoz
Burson	Heine	Shannon
Cannon	Hernandez	Sutherland
Carmouche	Juneau	Tate
Casey	Kean	Thistlethwaite
Chatelain	Landrum	Tobias
Chehardy	Lanier	Toca
Comar	Martin	Toomy
Conino	Mauberret	Wattigny
Conroy	Mire	Willis
D'Gerolamo	Nunez	Womack
De Blieux	Ourso	Zervigon
Derbes		
Fayard		
Total—52.		

NOT VOTING

Delegates—	Gauthier	Segura
Mr. Chairman	Guarisco	Silverberg
Alario	Jack	Slay
Alexander	Jackson, J.	Smith
Avant	Lambert	Stephenson
Bel	Landry, A.	Stinson
Brown	Leigh	Stovall
Cowen	McDaniel	Ullo
Dennerly	Miller	Wall
Deshotels	Munson	Weiss
Drew	Pugh	Winchester
Duval	Rachal	Wisham
Edwards	Rayburn	
Elkins	Schmitt	
Fontenot		
Total—40.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Cannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Cannon to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 10, after the partial word "divisions" add the following:

"Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts"

AMENDMENT No. 2—

On page 13, line 11, after "Section 24." delete the remainder of the line and delete lines 12 through 32, both inclusive, in their entirety, and on page 14 delete line 1 in its entirety, and insert in lieu thereof the following:

"Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, or (2) to provide for the establishment and furnishing of such industrial plant, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission, or any successor thereto, and to use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (b) to acquire, through purchase, donation, exchange, and subject to Article I, Section 4, expropriation, and to improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) to sell, lease, lease-purchase, or demolish all or any part of the foregoing."

Delegate Cannon moved the adoption of the amendments

Delegate LeBleu objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	Mire
Abraham	Fontenot	Newton
Anzalone	Fowler	Nunez
Arnette	Fulco	O'Neill
Asseff	Giarrusso	Perez
Avant	Ginn	Planchard
Badeaux	Goldman	Riecke
Bergeron	Gravel	Robinson
Berry	Grier	Roemer
Bollinger	Guarisco	Roy
Brien	Hardee	Sandoz
Brown	Hayes	Shannon
Burns	Haynes	Singletary
Burson	Heine	Soniat
Cannon	Hernandez	Stagg
Carmouche	Juneau	Sutherland
Champagne	Kean	Tate
Chatelain	Kelly	Thistlethwaite
Chehardy	Kilbourne	Toca
Comar	Kilpatrick	Thompson
Conino	Landry, E. J.	Vesich
Conroy	Lanier	Wattigny
Corne	Lennox	Willis
D'Gerolamo	Lowe	Womack
De Blieux	Martin	Zervigon
Dennis	Miller	
Debres		
Dunlap		
Duval		
Total—82.		

NAYS

Delegates—	LeBleu	Tobias
Casey	Mauberret	Ullo
Deshotels	Perkins	Velazquez
Fayard	Reeves	Warren
Landrum		
Total—12.		

NOT VOTING

Delegates—	Jackson, J.	Silverberg
Mr. Chairman	Lambert	Slay
Aertker	Landry, A.	Smith
Alario	Leigh	Stephenson
Alexander	Leithman	Stinson
Bel	McDaniel	Stovall
Blair	Munson	Toomy
Cowen	Ourso	Vick
Dennerly	Pugh	Wall
Drew	Rachal	Weiss
Edwards	Rayburn	Winchester
Elkins	Schmitt	Wisham
Gauthier	Segura	
Jack		
Total—38.		

And the amendments were adopted.

Delegate Cannon moved to reconsider the vote by which

the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, between lines 1 and 2, and following the language added by Convention Floor Amendment No. 1 proposed by Delegate Cannon and adopted by the Convention on October 2, 1973, add the following:

"No property expropriated under the authority of this Article shall ever, directly or indirectly, be transferred to or leased to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien."

On motion of Delegate Avant the amendment was withdrawn.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, between lines 1 and 2, and following the language added by Convention Floor Amendment No. 2 proposed by Delegate Cannon and adopted by the Convention on October 2, 1973, add the following:

"No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien."

Delegate Avant moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Hardee	O'Neill
Arnette	Hayes	Perkins
Avant	Haynes	Planchard
Badeaux	Hernandez	Reeves
Burns	Jackson, A.	Riecke
Burson	Jenkins	Roy
Cannon	Kelly	Sandoz
Carmouche	Kilbourne	Shannon
Champagne	Kilpatrick	Sutherland
Conino	Landrum	Tapper
D'Gerolamo	Landry, E. J.	Thompson
De Blieux	LeBleu	Velazquez
Dunlap	Lennox	Vesich
Fayard	Lowe	Warren
Flory	Martin	Wattigny
Fulco	Mauberret	Willis
Gauthier	Miller	Wisham
Ginn	Mire	Womack
Goldman	Newton	
Total—56.		

NAYS

Delegates—

Alario	Anzalone	Asseff
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Bergeron	Duval	Perez
Berry	Fontenot	Robinson
Bollinger	Fowler	Roemer
Brien	Giarrusso	Singletary
Brown	Gravel	Soniai
Casey	Grier	Stagg
Chatelain	Guarisco	Tate
Chehardy	Heine	Thistlethwaite
Comar	Juneau	Tobias
Conroy	Kean	Toca
Corne	Lanier	Toomy
Cowen	Leithman	Vick
Dennis	Nunez	Zervigon
Total—42.		

NOT VOTING

Delegates—

Mr. Chairman	Jackson, J.	Silverberg
Aertker	Lambert	Slay
Alexander	Landry, A.	Smith
Bel	Leigh	Stephenson
Blair	McDaniel	Stinson
Dennery	Munson	Stovall
Derbes	Ourso	Ullo
Deshotels	Pugh	Wall
Drew	Rachal	Weiss
Edwards	Rayburn	Winchester
Elkins	Schmitt	
Jack	Segura	
Total—34.		

And the amendment was adopted.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 11, in Floor Amendment No. 2 proposed by Delegate Cannon, and adopted by the Convention on October 2, 1973, below line 20 and below the language added by Convention Floor Amendment No. 2 proposed by Mr. Avant and adopted by the Convention on October 2, 1973 of said amendment add the following paragraph:

"The provisions of this Section shall not apply to school boards."

Delegate Burson moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 77 yeas and 20 nays the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

In Convention Floor Amendment No. 2 proposed by Mr. Cannon and adopted by the Convention on October 2, 1973, on line 1 of the language added there immediately after the words "Subject to" and before the word "may" delete the words "such restrictions as it" and insert in lieu thereof the following:

"Article I, Section 4, and such restrictions as the legislature"

Delegate O'Neill moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 4 yeas and 61 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 24, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Mire
Abraham	Flory	Munson
Alario	Fontenot	Nunez
Anzalone	Fowler	Perez
Asseff	Fulco	Perkins
Badeaux	Gauthier	Planchard
Bergeron	Giarrusso	Rayburn
Berry	Ginn	Reeves
Blair	Goldman	Riecke
Bollinger	Gravel	Robinson
Brown	Grier	Sandoz
Burns	Guarisco	Shannon
Burson	Hardee	Stagg
Cannon	Hayes	Stephenson
Carmouche	Heine	Stovall
Casey	Hernandez	Sutherland
Champagne	Jackson, A.	Tate
Chatelain	Juneau	Thistlethwaite
Chehardy	Kean	Thompson
Comar	Kelly	Toca
Conino	Kilbourne	Toomy
Conroy	Kilpatrick	Velazquez
Corne	Landry, E. J.	Vick
Cowen	Leithman	Wattigny
D'Gerolamo	Lennox	Willis
De Blieux	Lowe	Wisham
Derbes	Mauberet	Womack
Deshotels	Miller	Zervigon
Dunlap		
Total—85.		

NAYS

Delegates—		
Arnette	Lanier	Roy
Brien	LeBleu	Singletary
Dennis	Newton	Soniat
Duval	O'Neill	Tapper
Haynes	Rachal	Tobias
Jackson, J.	Roemer	Warren
Jenkins		
Total—19.		

NOT VOTING

Delegates—		
Aertker	Landrum	Silverberg
Alexander	Landry, A.	Slay
Avant	Leigh	Smith
Bel	McDaniel	Stinson
Dennery	Martin	Ullio
Drew	Ourso	Vesich
Edwards	Pugh	Wall
Elkins	Schmitt	Weiss
Jack	Segura	Winchester
Lambert		
Total—28.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up Committee Proposal No. 17, Section 19, at this time.

Section 19. Historic Preservation Districts

Section 19. (A) In order to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, monuments, structures, areas and districts of historic or architectural interest or importance, each local governmental subdivision, acting through a commission or otherwise, shall have the power and authority to establish, operate and maintain historic preservation areas and districts by the adoption of appropriate ordinances and laws, which is hereby declared to be for a public purpose.

(B) The governing authority of each local governmental subdivision shall have the power and authority of review to affirm, reverse or modify, in whole or in part, any action or decision of any such commission.

Read.

The Chairman announced that action was deferred on Committee Proposal No. 17, Section 19, on Saturday, September 29, 1973, which was taken up and acted upon as follows:

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes, Mauberret, Miller, Burson, Chatelain, Conino, Zervigon, Kean, Landrum, Velazquez, Vesich, Brown, J. Jackson and Guarisco to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, delete lines 11 through 25, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 19. Land Use, Zoning and Historic Preservation

Section 19. Local governmental subdivisions shall have authority (1) to adopt regulations for land use, zoning and historic preservation, which authority is declared to be a public purpose; (2) to create commissions and districts to implement same; (3) to review decisions of any any such commissions; (4) and to adopt standards for use, construction, demolition and modification of areas and structures. Existing constitutional authority for historic preservation districts is retained."

Delegate Derbes moved the adoption of the amendment.

Delegate Lennox objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Corne	Haynes
Alario	Cowen	Heine
Alexander	D'Gerolamo	Hernandez
Anzalone	Dennis	Jackson, A.
Asseff	Derbes	Jackson, J.
Badeaux	Deshotels	Jenkins
Bergeron	Dunlap	Juneau
Berry	Edwards	Kean
Blair	Fayard	Kelly
Bollinger	Flory	Kilbourne
Brien	Fontenot	Kilpatrick
Brown	Fowler	Landrum
Burson	Fulco	Landry, E. J.
Cannon	Gauthier	Lanier
Carmouche	Giarrusso	LeBleu
Casey	Ginn	Leithman
Champagne	Goldman	Mauberet
Chatelain	Gravel	Miller
Chehardy	Grier	Mire
Comar	Guarisco	Munson
Conino	Hardee	Nunez
Conroy	Hayes	Ourso

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Perez	Singletary	Toca
Perkins	Soniat	Toomy
Planchard	Stagg	Velazquez
Rachal	Stephenson	Vesich
Rayburn	Stovall	Vick
Reeves	Sutherland	Warren
Riecke	Tapper	Wattigny
Robinson	Tate	Willis
Roemer	Thistlethwaite	Wisham
Sandoz	Thompson	Zervigon
Shannon	Tobias	
Total—98.		

NAYS

Delegates—		
Arnette	Duval	Newton
Avant	Lennox	O'Neill
De Blieux	Lowe	Roy
Total—9.		

NOT VOTING

Delegates—		
Mr. Chairman	Landry, A.	Slay
Aertker	Leigh	Smith
Bel	McDaniel	Stinson
Burns	Martin	Ullo
Dennery	Pugh	Wall
Drew	Schmitt	Weiss
Elkins	Segura	Winchester
Jack	Silverberg	Womack
Lambert		
Total—25.		

And the amendment was adopted.

Delegate Derbes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, in Convention Floor Amendment No. 1 proposed by Delegate Derbes and adopted by the Convention on October 2, 1973, on line 9 of the language added by said amendment, immediately following the word and punctuation "structure," insert the following:

"Private property, however, may not be expropriated for such public purposes as herein declared."

Delegate Lennox moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 15 yeas and 79 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention October 2, 1973, on line 2, immediately after the number and

punctuation "19." and before the word "governmental" delete the word "Local" and insert in lieu thereof the following:

"Subject to and except as may be inconsistent with this constitution, general law or the local charter, local"

AMENDMENT No. 2—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention October 2, 1973, on line 3, immediately after the word "adopt" and before the word "regulations" insert the word "reasonable"

AMENDMENT No. 3—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention October 2, 1973, on line 4, immediately after the word and punctuation "preservation," delete the words "which authority" and on line 5, immediately before the number "(2)" delete the words and punctuation "is declared to be a public purpose;" and insert in lieu thereof the following:

"for any public purpose within the scope of their authority;"

AMENDMENT No. 4—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention October 2, 1973, at the end of the amendment add the following:

"When any regulation or ordinance results in a taking of property, just compensation shall be paid in accord with other provisions of this constitution."

On motion of Delegate Jenkins a division of the question was ordered.

Delegate Jenkins moved the adoption of Amendment No. 1.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gravel	Newton
Abraham	Guarisco	O'Neill
Aertker	Hayes	Perkins
Arnette	Haynes	Reeves
Avant	Hernandez	Roemer
Badeaux	Jackson, A.	Roy
Berry	Jackson, J.	Singletary
Bollinger	Jenkins	Stagg
Dunlap	Landry, E. J.	Stephenson
Duval	LeBleu	Sutherland
Flory	Leithman	Thompson
Fulco	Lennox	Wattigny
Goldman	Lowe	Wisham
Total—39.		

NAYS

Delegates—		
Alario	Derbes	Ourso
Alexander	Edwards	Perez
Anzalone	Fayard	Planchard
Asseff	Fontenot	Rachal
Bergeron	Fowler	Rayburn
Blair	Gauthier	Riecke
Brien	Giarrusso	Sandoz
Brown	Ginn	Schmitt
Burns	Grier	Shannon
Burson	Hardee	Soniat
Cannon	Heine	Stovall
Carmouche	Juneau	Tapper
Casey	Kean	Tate
Champagne	Kelly	Tobias
Chatelain	Kilbourne	Toca
Chehardy	Kilpatrick	Toomy
Comar	Landrum	Velazquez
Conino	Lanier	Vesich
Conroy	Mauberret	Vick
Corne	Mire	Warren
Cowen	Munson	Willis
D'Gerolamo	Nunez	Zervigon
De Blieux		
Total—67.		

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NOT VOTING

Delegates—		
Bel	Leigh	Smith
Dennery	McDaniel	Stinson
Dennis	Martin	Thistlethwaite
Deshotels	Miller	Ullo
Drew	Pugh	Wall
Elkins	Robinson	Weiss
Jack	Segura	Winchester
Lambert	Silverberg	Womack
Landry, A.	Slay	
Total—26.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of amendment No. 2.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hayes	Reeves
Aertker	Haynes	Roemer
Arnette	Hernandez	Roy
Avant	Jackson, A.	Shannon
Berry	Jenkins	Singletary
Bollinger	Kilbourne	Stagg
Brien	Landrum	Stephenson
Dunlap	Landry, E. J.	Sutherland
Duval	LeBleu	Tapper
Flory	Leithman	Thompson
Fulco	Lennox	Vick
Goldman	Lowe	Wattigny
Gravel	Newton	Wisham
Guarisco	O'Neill	
Hardee	Perkins	
Total—43.		

NAYS

Delegates—		
Alario	D'Gerolamo	Nunez
Alexander	De Blieux	Ourso
Aznalone	Derbes	Perez
Asseff	Edwards	Planchar
Badeaux	Fayard	Rachal
Bergeron	Fontenot	Rayburn
Blair	Fowler	Riecke
Brown	Gauthier	Robinson
Burns	Giarrusso	Sandoz
Burson	Ginn	Schmitt
Cannon	Grier	Soniat
Carmouche	Heine	Stovall
Casey	Jackson, J.	Tate
Champagne	Juneau	Tobias
Chatelain	Kean	Toca
Chehardy	Kelly	Toomy
Comar	Kilpatrick	Velazquez
Conino	Lanier	Vesich
Conroy	Mauberrret	Willis
Corne	Mire	Zervigon
Cowen	Munson	
Total—62.		

NOT VOTING

Delegates—		
Mr. Chairman	Landry, A.	Smith
Bel	Leigh	Stinson
Dennery	McDaniel	Thistlethwaite
Dennis	Martin	Ullo
Deshotels	Miller	Wall
Drew	Pugh	Warren
Elkins	Segura	Weiss
Jack	Silverberg	Winchester
Lambert	Slay	Womack
Total—27.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of amendment No. 3.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Lowe
Arnette	Guarisco	Newton
Avant	Hardee	O'Neill
Berry	Hayes	Roemer
Bollinger	Haynes	Roy
Brien	Jackson, A.	Singletary
Cannon	Jackson, J.	Stagg
Chehardy	Jenkins	Stephenson
De Blieux	Kilbourne	Tapper
Dunlap	Landry, E. J.	Thompson
Duval	LeBleu	Wisham
Flory	Lennox	
Total—35.		

NAYS

Delegates—		
Aertker	Fontenot	Perkins
Alario	Fowler	Planchar
Alexander	Fulco	Rachal
Anzalone	Gauthier	Rayburn
Asseff	Giarrusso	Reeves
Badeaux	Ginn	Riecke
Bergeron	Gravel	Robinson
Blair	Grier	Sandoz
Brown	Heine	Schmitt
Burns	Hernandez	Shannon
Burson	Juneau	Soniat
Carmouche	Kean	Stovall
Casey	Kelly	Sutherland
Champagne	Kilpatrick	Tate
Chatelain	Landrum	Tobias
Comar	Lanier	Toca
Conino	Leithman	Toomy
Conroy	Mauberrret	Velazquez
Corne	Mire	Vesich
Cowen	Munson	Vick
D'Gerolamo	Nunez	Wattigny
Derbes	Ourso	Willis
Edwards	Perez	Zervigon
Fayard		
Total—70.		

NOT VOTING

Delegates—		
Mr. Chairman	Landry, A.	Smith
Bel	Leigh	Stinson
Dennery	McDaniel	Thistlethwaite
Dennis	Martin	Ullo
Deshotels	Miller	Wall
Drew	Pugh	Warren
Elkins	Segura	Weiss
Jack	Silverberg	Winchester
Lambert	Slay	Womack
Total—27.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins moved the adoption of amendment No. 4.

Delegate Derbes objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Guarisco	Newton
Arnette	Hardee	O'Neill
Avant	Hayes	Perkins
Berry	Haynes	Reeves
Blair	Jackson, A.	Roemer
Bollinger	Jackson, J.	Roy
Carmouche	Jenkins	Singletary
De Blieux	Kelly	Soniati
Dunlap	Kilbourne	Stagg
Duval	Kilpatrick	Stephenson
Flory	Landrum	Tapper
Fulco	Landry, E. J.	Thompson
Gauthier	LeBleu	Toca
Ginn	Lennox	Warren
Goldman	Lowe	Wisham

Total—45.

NAYS

Delegates—

Abraham	D'Gerolamo	Perez
Alario	Derbes	Planchard
Alexander	Deshotels	Rachal
Anzalone	Edwards	Rayburn
Asseff	Fayard	Riecke
Badeaux	Fontenot	Robinson
Bergeron	Fowler	Sandoz
Brien	Giarrusso	Schmitt
Brown	Gravel	Shannon
Burns	Grier	Stovall
Burson	Heine	Sutherland
Cannon	Hernandez	Tate
Casey	Juneau	Thistlethwaite
Champagne	Kean	Tobias
Chatelain	Lanier	Toomy
Chehardy	Leithman	Velazquez
Comar	Mauberret	Vesich
Conino	Mire	Vick
Conroy	Munoz	Wattigny
Corne	Nunez	Willis
Cowen	Ourso	Zervigon

Total—63.

NOT VOTING

Delegates—

Mr. Chairman	Landry, A.	Slay
Bel	Leigh	Smith
Dennery	McDaniel	Stinson
Dennis	Martin	Ullo
Drew	Miller	Wall
Elkins	Pugh	Weiss
Jack	Segura	Winchester
Lambert	Silverberg	Womack

Total—24.

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11 in Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention October 2, 1973, on line 3, after the word and punctuation "preservation," delete the remainder of the line and on line 4 at the beginning of the line delete the words and punctuation "is declared to be a public purpose;" and insert in lieu thereof the following:

"if for a public purpose, and subject to due process of law;"

Delegate Arnette moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Ginn	Lennox
Aertker	Goldman	Lowe
Arnette	Gravel	Munson
Asseff	Guarisco	Newton
Avant	Hardee	O'Neill
Berry	Hayes	Planchard
Blair	Haynes	Rayburn
Bollinger	Jackson, A.	Reeves
Brien	Jackson, J.	Roemer
Brown	Jenkins	Roy
Burns	Kelly	Singletary
Cowen	Kilbourne	Stagg
Dennis	Kilpatrick	Stephenson
Dunlap	Landrum	Sutherland
Duval	Landry, E. J.	Tapper
Fayard	LeBleu	Thompson
Flory	Leithman	Wisham

Total—51.

NAYS

Delegates—

Alario	Deshotels	Robinson
Alexander	Fontenot	Sandoz
Anzalone	Fowler	Schmitt
Badeaux	Fulco	Shannon
Bergeron	Gauthier	Soniati
Burson	Giarrusso	Stovall
Cannon	Grier	Tate
Carmouche	Heine	Thistlethwaite
Casey	Hernandez	Tobias
Champagne	Juneau	Toca
Chatelain	Kean	Toomy
Chehardy	Lanier	Velazquez
Comar	Mauberret	Vesich
Conino	Mire	Vick
Conroy	Nunez	Warren
Corne	Perez	Wattigny
D'Gerolamo	Perkins	Willis
De Blieux	Rachal	Zervigon
Derbes	Riecke	

Total—56.

NOT VOTING

Delegates—

Mr. Chairman	Leigh	Slay
Bel	McDaniel	Smith
Dennery	Martin	Stinson
Drew	Miller	Ullo
Edwards	Ourso	Wall
Elkins	Pugh	Weiss
Jack	Segura	Winchester
Lambert	Silverberg	Womack

Landry, A.
Total—25.

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al, and adopted by the convention on October 2, 1973, on line 9, immediately after the word and punctuation "structures." delete the remainder of the line and delete line 10 in its entirety.

Delegate De Blieux moved the adoption of the amendment.

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Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Jenkins	Roemer
Aertker	Landry, E. J.	Roy
Avant	LeBleu	Shannon
Blair	Lowe	Stagg
Brien	Mire	Sutherland
De Blieux	Newton	Thompson
Dunlap	O'Neill	Toca
Duval	Reeves	Wisham
Guarisco		

Total—25.

NAYS

Delegates—

Alario	Flory	Munson
Alexander	Fontenot	Nunez
Anzalone	Fowler	Perez
Arnette	Fulco	Perkins
Asseff	Gauthier	Planchard
Badeaux	Giarrusso	Rachal
Bergeron	Ginn	Rayburn
Berry	Goldman	Riecke
Bollinger	Gravel	Robinson
Brown	Grier	Sandoz
Burns	Hardee	Schmitt
Burson	Hayes	Singletary
Cannon	Haynes	Soniat
Carmouche	Hernandez	Stephenson
Casey	Jackson, A.	Stovall
Champagne	Jackson, J.	Tapper
Chatelain	Juneau	Tate
Chehardy	Kean	Tobias
Comar	Kelly	Toomy
Conino	Kilbourne	Velazquez
Conroy	Kilpatrick	Vesich
Corne	Landrum	Vick
Cowen	Lanier	Warren
D'Gerolamo	Leithman	Wattigny
Derbes	Lennox	Willis
Deshotels	Mauberrret	Zervigon

Total—78.

NOT VOTING

Delegates—

Mr. Chairman	Lambert	Slay
Bel	Landry, A.	Smith
Dennerly	Leigh	Stinson
Dennis	McDaniel	Thistlethwaite
Drew	Martin	Ullo
Edwards	Miller	Wall
Elkins	Ourso	Weiss
Fayard	Pugh	Winchester
Heine	Segura	Womack
Jack	Silverberg	

Total—29.

And the amendment was rejected.

Delegate Derbes moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Deshotels sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Deshotels to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 11, in Floor Amendment No. 1 proposed by Delegate Derbes, et al., and adopted by the convention

October 2, 1973, on line 2, immediately after the number and punctuation "19," and before the word "governmental" delete the word "Local" and insert in lieu thereof the following: "Subject to uniform legislatively established procedures, local"

Delegate Deshotels moved the adoption of the amendment.

Delegate Alexander objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fontenot	Perez
Aertker	Fulco	Perkins
Alario	Gauthier	Planchard
Anzalone	Giarrusso	Rachal
Arnette	Ginn	Rayburn
Asseff	Goldman	Reeves
Avant	Gravel	Riecke
Badeaux	Grier	Robinson
Bergeron	Hardee	Roemer
Berry	Hayes	Roy
Blair	Hernandez	Sandoz
Bollinger	Jackson, A.	Schmitt
Brien	Jackson, J.	Shannon
Brown	Jenkins	Singletary
Burns	Juneau	Soniat
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, E. J.	Tate
Comar	Lanier	Thistlethwaite
Conino	LeBlau	Thompson
Corne	Leithman	Tobias
Cowen	Lennox	Toca
D'Gerolamo	Lowe	Toomy
De Blieux	Mauberrret	Vesich
Deshotels	Mire	Vick
Dunlap	Munson	Warren
Duval	Newton	Wattigny
Fayard	Nunez	Willis
Flory	O'Neill	Zervigon

Total—96.

NAYS

Delegates—

Alexander	Fowler	Velazquez
Conroy		

Total—4.

NOT VOTING

Delegates—

Mr. Chairman	Heine	Silverberg
Bel	Jack	Slay
Cannon	Lambert	Smith
Dennerly	Landry, A.	Stinson
Dennis	Leigh	Ullo
Derbes	McDaniel	Wall
Drew	Martin	Weiss
Edwards	Miller	Winchester
Elkins	Ourso	Wisham
Guarisco	Pugh	Womack
Haynes	Segura	

Total—32.

And the amendment was adopted.

Delegate Deshotels moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 17 by Delegate Perez, et al.

Amendment reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 11, in Floor Amendment No. 1 proposed by

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Delegate Derbes, et al, and adopted by the convention on October 2, 1973, on line 3, after the word and punctuation "preservation," delete the remainder of the line and on line 4 at the beginning of the line delete the words and punctuation "is declared to be a public purpose;" and insert in lieu thereof the following:

"subject to due process of law;"

Point of Order

Delegate Kean raised a point of order and sought a ruling of the chair, as to whether the amendment was out of order, as having been previously considered.

Ruling of the Chair

The Chair declined to rule the amendment out of order at this time, and put the question to the Convention under the rules.

The question was put to declare the amendments in order.

By a vote of 46 yeas and 50 nays the Convention refused to declare the amendment in order.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11, line 11, in Floor Amendment No. 1, proposed by Delegate Deshotel to the Floor Amendment No. 1 proposed by Delegate Derbes, and adopted by the convention on October 2, 1973, at the end of line 1 of the Deshotel's Amendment after the word "procedures" and before the comma ",", insert the following:

"and the local charter"

Delegate Jenkins moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Flory	LeBleu
Aertker	Fontenot	Lennox
Arnette	Guarisco	Newton
Avant	Hardee	O'Neill
Berry	Hayes	Robinson
Bollinger	Haynes	Roemer
Champagne	Jackson, A.	Roy
D'Gerolamo	Jackson, J.	Shannon
Dunlap	Jenkins	Stephenson
Duval	Kilbourne	Wisham

Total—30.

NAYS

Delegates—

Alario	Chehardy	Ginn
Alexander	Comar	Goldman
Anzalone	Conino	Gravel
Asseff	Conroy	Grier
Badeaux	Corne	Hernandez
Bergeron	Cowen	Juneau
Blair	De Blieux	Kean
Brien	Dennis	Kelly
Brown	Derbes	Kilpatrick
Burns	Deshotel	Landrum
Burson	Fayard	Landry, E. J.
Cannon	Fowler	Lanier
Carmouche	Fulco	Leithman
Casey	Gauthier	Lowe
Chatelain	Giarrusso	Mauberret

Miller	Sandoz	Thompson
Mire	Schmitt	Tobias
Nunez	Singleary	Toomy
Perez	Soniat	Velazquez
Perkins	Stagg	Vesich
Planchar	Stovall	Vick
Rachal	Sutherland	Warren
Rayburn	Tapper	Wattigny
Reeves	Tate	Willis
Riecke	Thistlethwaite	Zervigon

Total—75.

NOT VOTING

Delegates—

Mr. Chairman	Landry, A.	Slay
Bel	Leigh	Smith
Dennery	McDaniel	Stinson
Drew	Martin	Toca
Edwards	Munson	Ullo
Elkins	Ourso	Wall
Heine	Pugh	Weiss
Jack	Segura	Winchester
Lambert	Silverberg	Womack

Total—27.

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 19, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Duval	Planchar
Abraham	Fayard	Rachal
Alario	Flory	Rayburn
Alexander	Fontenot	Reeves
Anzalone	Fowler	Riecke
Asseff	Fulco	Robinson
Badeaux	Gauthier	Sandoz
Bergeron	Giarrusso	Schmitt
Berry	Ginn	Shannon
Blair	Goldman	Singleary
Bollinger	Gravel	Soniat
Brien	Grier	Stagg
Brown	Hayes	Stephenson
Burns	Hernandez	Stovall
Burson	Juneau	Sutherland
Carmouche	Kean	Tapper
Casey	Kelly	Tate
Champagne	Kilpatrick	Thistlethwaite
Chatelain	Landrum	Thompson
Chehardy	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	Leithman	Toomy
Conroy	Mauberret	Velazquez
Corne	Miller	Vesich
D'Gerolamo	Mire	Vick
Dennis	Munson	Warren
Derbes	Nunez	Wattigny
Deshotel	Perez	Willis
Dunlap	Perkins	Zervigon

Total—87.

NAYS

Delegates—

Aertker	Haynes	Newton
Arnette	Jackson, A.	O'Neill
Avant	Jackson, J.	Roemer
Cowen	Jenkins	Roy
De Blieux	Kilbourne	Wisham
Guarisco	Lennox	
Hardee	Lowe	

Total—19.

NOT VOTING

Delegates—

Bel	Dennery	Edwards
Cannon	Drew	Elkins

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Heine	Martin	Stinson
Jack	Ourso	Ullo
Lambert	Pugh	Wall
Landry, A.	Segura	Weiss
LeBleu	Silverberg	Winchester
Leigh	Slay	Womack
McDaniel	Smith	
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Derbes, the Convention altered the Order of Business to take up Committee Proposal No. 17, Section 20 at this time.

Section 20. Zoning

Section 20. Local governmental subdivisions may erect land use regulations and zoning ordinances and create and classify therein residential, commercial, industrial, and other districts, and may regulate the preservation of the character of buildings, monuments, structures, and buildings and areas of historical importance. Local governmental subdivisions may create airport zones and regulate the heights of buildings, structures, and objects of natural growth in areas surrounding airports.

Read.

The Chairman announced that action was deferred on Committee Proposal No. 17, Section 20, on Saturday, September 29, 1973, which was taken up and acted upon as follows:

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 11 delete lines 26 through 32, both inclusive, in their entirety and on page 12 delete lines 1 through 3, both inclusive, in their entirety

Delegate Derbes moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Cannon	Duval
Abraham	Carmouche	Flory
Aertker	Casey	Fontenot
Alario	Champagne	Fowler
Alexander	Chatelain	Fulco
Anzalone	Chehardy	Gauthier
Arnette	Comar	Giarrusso
Asseff	Conino	Ginn
Badeaux	Conroy	Goldman
Bergeron	Corne	Gravel
Berry	Cowen	Grier
Blair	D'Gerolamo	Guarisco
Bollinger	De Blieux	Hardee
Brien	Dennis	Hayes
Brown	Derbes	Haynes
Burns	Deshotels	Hernandez
Burson	Dunlap	Jackson, A.

Jackson, J.	Nunez	Stagg
Jenkins	O'Neill	Stephenson
Juneau	Perez	Stovall
Kean	Perkins	Sutherland
Kelly	Planchard	Tapper
Kilbourne	Rachal	Tate
Kilpatrick	Rayburn	Thistlethwaite
Landrum	Reeves	Thompson
Landry, E. J.	Riecke	Tobias
Lanier	Robinson	Toomy
Leithman	Roemer	Velazquez
Lennox	Roy	Vick
Lowe	Sandoz	Warren
Mauberrert	Schmitt	Wattigny
Miller	Shannon	Willis
Mire	Singletary	Wisham
Newton	Soniat	Zervigon
Total—102.		

Delegates—
Delegate Avant.
Total—1.

NAY

NOT VOTING

Delegates—		
Bel	LeBleu	Smith
Dennery	Leigh	Stinson
Drew	McDaniel	Toca
Edwards	Martin	Ullo
Elkins	Munson	Vesich
Fayard	Ourso	Wall
Heine	Pugh	Weiss
Jack	Segura	Winchester
Lambert	Silverberg	Womack
Landry, A.	Slay	
Total—29.		

And the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 23. Intergovernmental Cooperation

Section 23. (A) Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not require political subdivisions to exercise powers or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature require consolidation of governmental functions of local governmental subdivisions. However, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and performance of functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.

Read.

The chairman announced that the Convention deferred action on Committee Proposal No. 17, Section 23, on Saturday, September 29, 1973, which was taken up and acted upon as follows:

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 27, at the beginning of the line, before the words "the United" add the word "with"

Delegate Flory moved the adoption of the amendment.

Delegate Casey objected.

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A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Dunlap	Miller
Alario	Duval	Mire
Alexander	Fayard	Newton
Asseff	Flory	O'Neill
Avant	Fontenot	Perez
Badeaux	Fowler	Planchard
Bergeron	Fulco	Rachal
Berry	Gauthier	Rayburn
Blair	Giarrusso	Reeves
Bollinger	Ginn	Riecke
Brien	Gravel	Robinson
Brown	Guarisco	Roemer
Burns	Hardee	Roy
Burson	Hayes	Sandoz
Cannon	Hernandez	Shannon
Carmouche	Jenkins	Singletary
Champagne	Juneau	Soniati
Chehardy	Kean	Stephenson
Comar	Kelly	Thistlethwaite
Conino	Kilbourne	Thompson
Corne	Kilpatrick	Toomy
Cowen	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Warren
De Blieux	Leithman	Wattigny
Derbes	Lowe	Wisham
Deshotels	Mauberret	Zervigon
Total—78.		

NAYS

Delegates—		
Abraham	Dennis	Schmitt
Anzalone	Goldman	Stagg
Arnette	Grier	Sutherland
Casey	Lennox	Tate
Chatelain	Nunez	Tobias
Conroy	Perkins	Willis
Total—18.		

NOT VOTING

Delegates—		
Mr. Chairman	Landrum	Smith
Bel	Landry, A.	Stinson
Dennery	LeBleu	Stovall
Drew	Leigh	Tapper
Edwards	McDaniel	Toca
Elkins	Martin	Ullo
Haynes	Munson	Vesich
Heine	Ourso	Vick
Jack	Pugh	Wall
Jackson, A.	Segura	Weiss
Jackson, J.	Silverberg	Winchester
Lambert	Slay	Womack
Total—36.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, delete Floor Amendments No. 1 through No. 4 to Section 23 proposed by Delegate Burson and adopted by the Convention on September 29, 1973

AMENDMENT No. 2—

On page 13, line 5, after the word "but" and before the word "no" insert the following:
 "except as otherwise provided in this constitution,"

On motion of Delegate Burson the amendments were withdrawn.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, delete Floor Amendments No. 1 through No. 4 to Section 23 proposed by Delegate Burson and adopted by the Convention on September 29, 1973

AMENDMENT No. 2—

On page 13, between lines 8 and 9, insert the following:
 "The provisions of this paragraph shall not apply to school boards."

Delegate Burson moved the adoption of the amendments.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Perez
Aertker	Fayard	Perkins
Alario	Flory	Planchard
Alexander	Fontenot	Rachal
Anzalone	Fowler	Rayburn
Arnette	Fulco	Reeves
Asseff	Gauthier	Riecke
Avant	Giarrusso	Robinson
Badeaux	Ginn	Roemer
Bergeron	Goldman	Roy
Berry	Gravel	Sandoz
Bollinger	Grier	Schmitt
Brien	Guarisco	Shannon
Brown	Hardee	Singletary
Burns	Hayes	Soniati
Burson	Hernandez	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Stovall
Casey	Kean	Sutherland
Champagne	Kelly	Tate
Chatelain	Kilpatrick	Thistlethwaite
Chehardy	Landry, E. J.	Thompson
Conino	Lanier	Tobias
Conroy	LeBleu	Toca
Corne	Leithman	Toomy
Cowen	Lennox	Velazquez
D'Gerolamo	Lowe	Vick
De Blieux	Mauberret	Warren
Dennis	Mire	Wattigny
Derbes	Newton	Willis
Deshotels	Nunez	Wisham
Dunlap	O'Neill	Zervigon
Total—96.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Segura
Bel	Kilbourne	Silverberg
Blair	Lambert	Slay
Comar	Landrum	Smith
Dennery	Landry, A.	Stinson
Drew	Leigh	Tapper
Edwards	McDaniel	Ullo
Elkins	Martin	Vesich
Haynes	Miller	Wall
Heine	Munson	Weiss
Jack	Ourso	Winchester
Jackson, A.	Pugh	Womack
Total—36.		

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And the amendments were adopted.

Delegate Burson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez moved the previous question on the entire subjected matter.

Delegate Tate objected.

The vote was 46 yeas and 46 nays, the Chair voted "nay" to break the tie, and the Convention refused to Order the previous question on the entire subject matter at this time.

Delegate Tate sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tate to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, delete lines 29 through 32, both inclusive, in their entirety including all floor amendments thereto and on page 13, delete lines 1 through 8, both inclusive, in their entirety including all floor amendments thereto.

AMENDMENT No. 2—

On page 13, between lines 8 and 9, delete Floor Amendment No. 2 proposed by Delegate Burson and adopted by the Convention on October 2, 1973.

On motion of Delegate Tate the amendment was withdrawn.

Delegate O'Neill sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates O'Neill, Toomy, Perez, Lanier and Chatelain to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12, line 30, immediately after the word "require" and before the word "to" delete the words "political subdivisions" and insert in lieu thereof "local governmental subdivisions"

AMENDMENT No. 2—

On page 12, line 32, immediately after the word "other" and before the word "nor" delete the words "political subdivision" and insert in lieu thereof the words "local governmental subdivision"

AMENDMENT No. 3—

On page 13 in line 3 and again in line 5 and again in line 7 delete the words "political subdivisions" and insert in lieu thereof the words "local governmental subdivisions"

On motion of Delegate O'Neill the amendments were adopted.

Delegate O'Neill moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13, line 6, after the words "approved by" and be-

fore the word "of" delete the word "two-thirds" and insert in lieu thereof the words "a majority"

Delegate Gravel moved the adoption of the amendment.

Delegate Nunez objected.

A record vote was asked for and ordered by the Convention.

The roll was called with the following result:

ROLL CALL

YEAS

Delegates—

Aertker
Arnette
Avant
Berry
De Blieux
Dennis
Dunlap
Duval
Flory

Total—26.

Ginn
Gravel
Guarisco
Jenkins
Kelly
Landry, E. J.
LeBleu
Lowe
Mire

Newton
Rachal
Roy
Singletary
Soniati
Tate
Tobias
Vick

NAYS

Delegates—

Abraham
Alario
Anzalone
Asseff
Badeaux
Bergeron
Bollinger
Brien
Burson
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo

Total—59.

Deshotels
Fayard
Fontenot
Fulco
Gauthier
Giarrusso
Goldman
Grier
Hardee
Hayes
Hernandez
Juneau
Kean
Lanier
Leithman
Lennox
Nunez
Perez
Perkins
Planchard

Reeves
Riecke
Robinson
Roemer
Sandoz
Schmitt
Stagg
Stephenson
Stovall
Sutherland
Thistlethwaite
Thompson
Toca
Toomy
Velazquez
Warren
Wattigny
Willis
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Alexander
Bel
Blair
Brown
Burns
Cannon
Dennery
Derbes
Drew
Edwards
Elkins
Fowler
Haynes
Heine
Jack

Total—47.

Jackson, A.
Jackson, J.
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Leigh
McDaniel
Martin
Mauberret
Miller
Munson
O'Neill
Ourso
Pugh

Rayburn
Segura
Shannon
Silverberg
Slay
Smith
Stinson
Tapper
Uilo
Vesich
Wall
Weiss
Winchester
Wisham
Womack

And the amendment was rejected.

Delegate Alario moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 13 between lines 8 and 9 delete Floor Amendment

No. 2 proposed by Delegate Burson and adopted by the Convention October 2, 1973.

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 23, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Planchard
Abraham	Fontenot	Reeves
Aertker	Gauthier	Riecke
Alario	Giarrusso	Robinson
Anzalone	Grier	Roemer
Arnette	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bergeron	Hernandez	Singletary
Bollinger	Juneau	Stagg
Burson	Kean	Stephenson
Carmouche	Landry, E. J.	Sutherland
Casey	Lanier	Thistlethwaite
Chatelain	Lennox	Thompson
Conino	Lowe	Toomy
Conroy	Nunez	Willis
Corne	Perez	Zervigon
Derbes	Perkins	
Total—50.		

NAYS

Delegates—		
Asseff	Dunlap	Mire
Avant	Duval	Newton
Berry	Flory	Rachal
Brien	Fulco	Roy
Champagne	Ginn	Soniati
Chehardy	Goldman	Stovall
Comar	Gravel	Tobias
Cowan	Guarisco	Toca
D'Gerolamo	Jenkins	Velazquez
De Blieux	Kelly	Vick
Dennis	LeBleu	Warren
Deshotels	Leithman	Wattigny
Total—36.		

NOT VOTING

Delegates—		
Alexander	Kilbourne	Segura
Bel	Kilpatrick	Shannon
Blair	Lambert	Silverberg
Brown	Landrum	Slay
Burns	Landry, A.	Smith
Cannon	Leigh	Stinson
Dennery	McDaniel	Tapper
Drew	Martin	Tate
Edwards	Mauberret	Ullo
Elkins	Miller	Vesich
Fowler	Munson	Wall
Haynes	O'Neill	Weiss
Heine	Ourso	Winchester
Jack	Pugh	Wisham
Jackson, A.	Rayburn	Womack
Jackson, J.		
Total—46.		

Failed to pass.

Delegate Kean moved to reconsider the vote by which the Section failed to pass, on the next Convention day.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Other Orders of Business at this time.

MEETING NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Sunday, October 7, 1973, at 9:30 o'clock A.M., in the Treaty Room and will consider the following agenda:

AGENDA

To consider proposed Style and Drafting Amendments to the proposals which have been referred to the committee.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Thursday, October 4, at 9:00 o'clock A.M. in House Chamber and will consider the following agenda:

AGENDA

Consider Delegate Proposals referred to Committee.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will meet on Thursday, October 4, 1973 at 9:00 o'clock A.M. in Committee Room 4 and will consider the following agenda:

AGENDA

To continue consideration of the Committee's Proposal.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Juneau, chairman of the Committee to Public Information, sent up the following notice:

The Committee on Public Information will meet on upon adjournment Wednesday, October 3, 1973, in the Convention Hall and will consider the following agenda:

AGENDA

General committee business

Respectfully submitted,

PATRICK JUNEAU,
Chairman of the Committee on
Public Information

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58th Days Proceedings—October 2, 1973

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Tate—1 day.
Delegate Weiss—1½ days.
Delegate Bel—½ day.
Delegate A. Landry—1 day.
Delegate Jack—2 days.
Delegate Smith—2 days.
Delegate Stinson—1 day.
Delegate Dennery—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, October 3, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, October 3, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

FIFTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, October 3, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

Delegates—		
PRESENT		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Pugh
Aertker	Giarrusso	Rachal
Alario	Ginn	Rayburn
Alexander	Goldman	Reeves
Anzalone	Gravel	Riecke
Arnette	Grier	Robinson
Asseff	Guarisco	Roemer
Avant	Hardee	Roy
Badeaux	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jackson, A.	Singletary
Brown	Jenkins	Slay
Burns	Juneau	Soniatt
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Comar	Landry, E. J.	Thistlethwaite
Conino	Lanier	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	Martin	Vesich
Dennis	Mauberret	Vick
Derbes	Miller	Wall
Deshotels	Mire	Warren
Dunlap	Munson	Wattigny
Duval	Newton	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Womack
Fontenot	Perez	Zervigon
Fowler	Perkins	
Total—122.		

ABSENT

Delegates—		
Bel	Jack	Silverberg
Berry	Jackson, J.	Smith
Drew	McDaniel	Weiss
Edwards		
Total—10.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Sutherland led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Thistlethwaite, the reading of the
Journal was dispensed with.

On motion of Delegate Thistlethwaite, the Journal of yes-
terday was adopted.

Morning Hour

Reconsideration

Section 23. Intergovernmental Cooperation

Section 23. (A) Any political subdivision may exercise and
perform any of its authorized powers and functions, including
financing, jointly or in cooperation with one or more political
subdivisions, either within or without the state, the United
States or agencies thereof, except as the legislature shall pro-
vide otherwise by law.

(B) Except as otherwise provided in this constitution, the
legislature shall not require political subdivisions to exercise
powers or perform functions jointly or in cooperation with
any other political subdivision, nor shall the legislature re-
quire consolidation of governmental functions of local gov-
ernmental subdivisions. However, the legislature may enact
laws authorizing the consolidation of political subdivisions or
the joint exercise of powers and performance of functions
by political subdivisions, but no such law shall become effec-
tive until submitted to and approved by two-thirds of the
electors in each of the political subdivisions affected thereby,
who vote in an election called for that purpose.

Read.

On motion of Delegate Perez the vote by which the above
Section failed to pass on yesterday was reconsidered.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler,
Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves,
Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 17, when it adjourned
on Tuesday, October 2, 1973, which was taken up and acted
upon as follows:

Section 25. Appropriation to Political Subdivisions

Section 25. When the legislature appropriates funds to one
or more political subdivisions and the legislature does not
specify the purposes for which such funds shall be expended,
or the amounts to be expended therefor, the expenditure
of such funds shall be determined solely by the governing
authority of the political subdivision or political subdivisions
to which the funds are appropriated. The legislature may re-
quire a report concerning the allocation and expenditure of
such funds.

Read.

PAGE 2

59th Days Proceedings—October 3, 1973

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, at the beginning of line 6, delete the words and punctuation "or the amounts to be expended therefor,"

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14 delete lines 2 through 11, both inclusive, in their entirety.

Delegate Gravel moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Nunez
Abraham	Gauthier	O'Neill
Aertker	Giarrusso	Perez
Alario	Ginn	Planchard
Avant	Goldman	Rachal
Badeaux	Gravel	Rayburn
Bergeron	Guarisco	Riecke
Blair	Hardee	Robinson
Bollinger	Hayes	Roemer
Brien	Haynes	Roy
Brown	Jackson, A.	Sandoz
Burns	Jenkins	Singletary
Cannon	Juneau	Slay
Champagne	Kean	Soniat
Chatelain	Kilbourne	Stephenson
Chehardy	Lambert	Stovall
Comar	Landry, A.	Sutherland
Conino	Landry, E. J.	Tapper
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Thompson
D'Gerolamo	Leigh	Toca
De Blieux	Leithman	Toomy
Dennery	Lowe	Ullo
Dennis	Martin	Vick
Dunlap	Mauberret	Warren
Duval	Mire	Wattigny
Flory	Munson	Winchester
Fowler	Newton	Womack
Total—84.		

NAYS

Delegates—		
Asseff	Fontenot	Lennox
Burson	Grier	Miller
Casey	Heine	Reeves
Conroy	Hernandez	Schmitt
Derbes	Kelly	Stagg
Deshotels	Kilpatrick	Tobias
Elkins	Landrum	Velazquez

Willis
Total—23.

Zervigon

NOT VOTING

Delegates—		
Alexander	Jack	Silverberg
Anzalone	Jackson, J.	Smith
Arnette	McDaniel	Stinson
Bel	Ourso	Tate
Berry	Perkins	Vesich
Carmouche	Pugh	Wall
Drew	Segura	Weiss
Edwards	Shannon	Wisham
Fayard		
Total—25.		

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing the Returns of Certain Special Elections

Section 26. When any election is required to be held in any political subdivision pursuant to the provisions of this constitution which require submission to the electors of any proposition or question, such as the change of parish lines, change of location of parish seat, levying of taxes, issuance of bonds or incurring of other debt obligations, the assumption of debt, referendum, recall, or the adoption of a home rule charter, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the law pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by the legislature.

Read.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Champagne and Velazquez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, line 17, after the word and punctuation "question," delete the remainder of the line and delete lines 18 through 20, both inclusive, in their entirety and on line 21 at the beginning of the line delete the words and punctuation "home rule charter,"

Delegate Champagne moved the adoption of the amendment.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chehardy	Gravel
Abraham	Conino	Grier
Aertker	Conroy	Guarisco
Alario	Corne	Hardee
Anzalone	D'Gerolamo	Hayes
Arnette	De Blieux	Haynes
Asseff	Dennery	Heine
Avant	Dennis	Hernandez
Badeaux	Derbes	Jackson, A.
Bergeron	Deshotels	Jenkins
Blair	Dunlap	Juneau
Bollinger	Elkins	Kean
Brien	Flory	Kilbourne
Brown	Fontenot	Kilpatrick
Burns	Fowler	Landrum
Burson	Fulco	Landry, A.
Cannon	Gauthier	Lanier
Casey	Giarrusso	LeBleu
Champagne	Ginn	Leigh
Chatelain	Goldman	

Leithman	Reeves	Thistlethwaite
Lennox	Robinson	Thompson
Lowe	Roemer	Tobias
Martin	Roy	Toca
Mauberret	Sandoz	Toomy
Miller	Schmitt	Ullo
Mire	Shannon	Velazquez
Munson	Singletary	Vesich
Newton	Slay	Vick
Nunez	Soniat	Warren
O'Neill	Stagg	Wattigny
Perez	Stephenson	Willis
Planchard	Stovall	Winchester
Rachal	Sutherland	Zervigon
Rayburn	Tate	
Total—104.		

NAYS

Delegates—
Total—0.

NOT VOTING

Delegates—	Jack	Segura
Alexander	Jackson, J.	Silverberg
Bel	Kelly	Smith
Berry	Lambert	Stinson
Carmouche	McDaniel	Tapper
Comar	Ourso	Wall
Cowen	Perkins	Weiss
Drew	Pugh	Wisham
Duval	Riecke	Womack
Edwards		
Fayard		
Total—28.		

And the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, line 23, at the beginning of the line, before the word "law" insert the words "procedures established by"

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 26, was read as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Blair	Conino
Mr. Chairman	Bollinger	Conroy
Abraham	Brien	Corne
Aertker	Burns	Cowen
Alario	Burson	D'Gerolamo
Anzalone	Cannon	De Blieux
Arnette	Casey	Dennery
Asseff	Champagne	Dennis
Avant	Chatelain	Derbes
Badeaux	Chehardy	Deshotels
Bergeron		

Dunlap	Landrum	Sandoz
Elkins	Landry, A.	Schmitt
Flory	Landry, E. J.	Shannon
Fontenot	Lanier	Singletary
Fowler	LeBleu	Slay
Fulco	Leigh	Soniat
Gauthier	Leithman	Stagg
Giarrusso	Lennox	Stephenson
Ginn	Lowe	Stovall
Goldman	Martin	Sutherland
Gravel	Mauberret	Tapper
Grier	Miller	Tate
Guarisco	Mire	Thistlethwaite
Hardee	Munson	Thompson
Hayes	Newton	Toca
Haynes	Nunez	Toomy
Heine	O'Neill	Ullo
Hernandez	Perez	Velazquez
Jackson, A.	Planchard	Vesich
Jenkins	Rachal	Vick
Juneau	Rayburn	Warren
Kean	Reeves	Wattigny
Kelly	Robinson	Willis
Kilbourne	Roemer	Winchester
Kilpatrick	Roy	Zervigon
Total—105.		

NAYS

Delegate Tobias.
Total—1.

NOT VOTING

Delegates—	Fayard	Segura
Alexander	Jack	Silverberg
Bel	Jackson, J.	Smith
Berry	Lambert	Stinson
Brown	McDaniel	Wall
Carmouche	Ourso	Weiss
Comar	Perkins	Wisham
Drew	Pugh	Womack
Duval	Riecke	
Edwards		
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 27. Acquisition of Property

Section 27. Subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, line 28, after "Section 27." and before the words "to such" delete the word "Subject" and insert in lieu thereof the following:

"Subject to and not inconsistent with any provision of this constitution and subject"

Delegate Gravel moved the adoption of the amendment.

Delegate Lanier objected.

By a vote of 91 yeas and 12 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Roy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, line 30, immediately after the word "purpose" and before the comma ",", insert the following: "within the scope of their authority"

Delegate Roy moved the adoption of the amendment.

Delegate Kean objected.

By a vote of 43 yeas and 56 nays the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 27, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Perez
Mr. Chairman	Fowler	Planchar
Abraham	Fulco	Rachal
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Anzalone	Ginn	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bergeron	Guarisco	Schmitt
Blair	Hardee	Segura
Bollinger	Hayes	Shannon
Brien	Haynes	Singletary
Brown	Heine	Slay
Burson	Hernandez	Soniat
Cannon	Jackson, A.	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennery	Lennox	Vesich
Dennis	Lowe	Vick
Derbes	Martin	Wattigny
Deshotels	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Womack
Elkins	Nunez	Zervigon
Flory		
Total—105.		

NAYS

Delegates—	O'Neill	Stinson
Arnette	Pugh	Warren
Jenkins		
Total—6.		

NOT VOTING

Delegates—	Drew	Jackson, J.
Alexander	Edwards	Kilbourne
Bel	Fayard	McDaniel
Berry	Jack	Mauberrret
Burns		

Miller
Ourso
Perkins
Total—21.

Riecke
Silverberg
Smith

Wall
Weiss
Wisham

And the Chair declared that the above Section was passed.

Delegate Kean moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh offered the following explanation of the vote with respect to the question of the adoption of Section 27 of Committee Proposal No. 17.

"I have voted against this Section based upon my opinion that the subject matter thereof is purely legislative in nature."

Section 28. Servitudes of Way; Acquisition by Prescription

Section 28. The public, represented by the various political subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Read.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and Planchar to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15 at the end of line 3 delete the partial word "po-" and at the beginning of line 4 delete the partial word "litical" and insert in lieu thereof the words "local governmental"

On motion of Delegate Newton the amendment was adopted.

Delegate Newton moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 28, was read, as amended.

Delegate Kean moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	D'Gerolamo	Kilpatrick
Mr. Chairman	De Blieux	Lambert
Abraham	Dennery	Landrum
Aertker	Dennis	Landry, A.
Alario	Deshotels	Landry, E. J.
Anzalone	Dunlap	Lanier
Arnette	Duval	Leigh
Asseff	Elkins	Leithman
Avant	Flory	Lennox
Badeaux	Fontenot	Lowe
Bergeron	Fowler	Martin
Blair	Fulco	Mauberrret
Bollinger	Gauthier	Miller
Brien	Giarrusso	Mire
Brown	Ginn	Munson
Burns	Goldman	Newton
Burson	Gravel	Nunez
Cannon	Grier	O'Neill
Carmouche	Guarisco	Perez
Casey	Hardee	Planchar
Champagne	Hayes	Rachal
Chatelain	Heine	Rayburn
Chehardy	Hernandez	Reeves
Comar	Jackson, A.	Roemer
Conino	Juneau	Roy
Conroy	Kean	Sandoz
Corne	Kelly	Schmitt
Cowen		

Segura	Sutherland	Velazquez
Shannon	Tapper	Vesich
Singletary	Tate	Vick
Slay	Thistlethwaite	Warren
Soniat	Thompson	Wattigny
Stagg	Tobias	Willis
Stephenson	Toca	Winchester
Stinson	Toomy	Womack
Stovall	Ullo	Zervigon
Total—108.		

NAYS

Delegates—
Jenkins
Total—2.

Pugh

NOT VOTING

Delegates—
Alexander
Bel
Berry
Derbes
Drew
Edwards
Fayard
Haynes
Total—22.

Jack
Jackson, J.
Kilbourne
LeBleu
McDaniel
Ourso
Perkins

Riecke
Robinson
Silverberg
Smith
Wall
Weiss
Wisham

And the Chair declared that the above Section was passed.

Delegate Kean moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh offered the following explanation of the vote with respect to the question of the adoption of Section 28 of Committee Proposal No. 17:

"I have voted against this Section based upon my opinion that the subject matter thereof is purely legislative in nature."

Section 29. Prescription Against State, School Districts, and Political Subdivisions

Section 29. Prescription shall not run against the state, school districts, or against any political subdivision in any civil matter, unless otherwise provided in this constitution or expressly by general law.

Read.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15, line 8, immediately after the number and punctuation "29." and before the word "shall" delete the word "Prescription" and insert in lieu thereof the words "Acquisitive prescription"

Delegate Arnette moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Aertker
Arnette
Avant
Bergeron

Blair
Brien
Brown
Burns

Cannon
Casey
Champagne
Chehardy

Comar
Conino
D'Gerolamo
De Blieux
Dennery
Dennis
Deshotels
Dunlap
Flory
Fontenot
Fowler
Fulco
Gauthier
Ginn
Goldman
Gravel
Guarisco
Hardee
Hayes
Jackson, A.
Jenkins
Kelly
Total—76.

Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
LeBleu
Leigh
Leithman
Lennox
Lowe
Martin
Mauberret
Miller
Munson
Nunez
O'Neill
Planchard
Pugh
Rayburn
Reeves
Robinson
Roemer

Roy
Sandoz
Schmitt
Segura
Singletary
Slay
Stagg
Stinson
Stovall
Sutherland
Tapper
Thistlethwaite
Thompson
Toca
Ullo
Vesich
Warren
Wattigny
Womack
Zervigon

NAYS

Delegates—
Abraham
Alario
Asseff
Badeaux
Bollinger
Burson
Carmouche
Chatelain
Conroy
Corne
Cowen
Total—32.

Duval
Elkins
Giarrusso
Grier
Heine
Hernandez
Juneau
Kean
Lanier
Newton
Perez

Shannon
Soniat
Stephenson
Tate
Tobias
Toomy
Velazquez
Vick
Willis
Winchester

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Anzalone
Bel
Berry
Derbes
Drew
Edwards
Total—24.

Fayard
Haynes
Jack
Jackson, J.
Kilbourne
McDaniel
Mire
Ourso

Perkins
Rachal
Riecke
Silverberg
Smith
Wall
Weiss
Wisham

And the amendment was adopted.

Delegate Arnette moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton and Planchard to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15 delete lines 6 through 11, both inclusive, in their entirety including Convention Floor Amendment No. 1 proposed by Mr. Arnette and adopted by the Convention on October 3, and insert in lieu thereof the following:

"Section 29. Prescription Against State
Section 29. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law."

Delegate Newton moved the adoption of the amendment.

Delegate Toca objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Planchard
Aertker	Gauthier	Pugh
Alario	Giarrusso	Rachal
Anzalone	Ginn	Rayburn
Avant	Goldman	Reeves
Badeaux	Gravel	Robinson
Bergeron	Grier	Roemer
Blair	Guarisco	Roy
Bollinger	Hardee	Sandoz
Brien	Hayes	Schmitt
Brown	Heine	Segura
Burns	Hernandez	Shannon
Burson	Jackson, A.	Singletary
Cannon	Juneau	Slay
Carmouche	Kean	Soniat
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Uilo
De Blieux	Leithman	Velazquez
Dennery	Lowe	Vesich
Dennis	Martin	Vick
Derbes	Mauberret	Wall
Deshotels	Miller	Warren
Dunlap	Mire	Wattigny
Duval	Newton	Willis
Elkins	Nunez	Winchester
Flory	O'Neill	Zervigon
Fontenot	Perez	
Fowler	Perkins	
Total—106.		

NAYS

Delegates—		
Arnette	Jenkins	Stagg
Asseff	Lennox	Stinson
Total—6.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Silverberg
Alexander	Jack	Smith
Bel	Jackson, J.	Thistlethwaite
Berry	McDaniel	Weiss
Drew	Munson	Wisham
Edwards	Ourso	Womack
Fayard	Riecke	
Total—20.		

And the amendment was adopted.

Delegate Newton moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon moved the previous on the entire subject matter.

Delegate Duval objected.

By a vote of 18 yeas and 82 nays the Convention refused to order the previous question at this time.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Pugh and Lennox to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15, line 11, after the partial word "stitution" and

before the word "by" delete the words "or expressly" and insert in lieu thereof a comma ","

AMENDMENT No. 2—

On page 15, line 11, after the word "law" change the period "." to a comma "," and add the following:
"or by contract with the state."

AMENDMENT No. 3—

Strike out Convention Floor amendment No. 1 proposed by Delegate Newton and Planchard and adopted by the Convention on October 3, 1973, and restore Section 28 as printed and previously amended.

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15, between lines 11 and 12 and following the language added by Convention Floor Amendment No. 1 proposed by Mr. Newton and adopted by the Convention on October 3, 1973, insert the following:

"Neither the lands nor the mineral rights of the state, its agencies, school districts, and political subdivisions shall be subject to loss through prescription. The mineral rights on all property transferred or sold by the state, its agencies, school districts, and political subdivisions shall be reserved except where the owner or other person having the right to redeem may buy or redeem property sold or adjudicated to the state for taxes. The legislature may provide by law for the leasing of such lands for minerals and other purposes subject to the provisions of this constitution."

On motion of Delegate Miller the amendment was withdrawn.

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Miller to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15, between lines 11 and 12 and following the language added by Convention Floor Amendment No. 1 proposed by Mr. Newton and adopted by the Convention on October 3, 1973, insert the following:

"Neither the lands nor the mineral rights of the state, its agencies, school districts, and political subdivisions shall be subject to loss through prescription. The mineral rights on all property transferred or sold by the state, its agencies, school districts, and political subdivisions shall be reserved except where the owner or other person having the right to redeem may redeem property sold or adjudicated to the state for taxes. The legislature may provide by law for the leasing of such lands for minerals and other purposes subject to the provisions of this constitution."

On motion of Delegate Miller, the amendment was withdrawn.

Passage

Committee Proposal No. 17, Section 29, was read, as amended.

Delegate Kean moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—			
Abraham	Alario	Arnette	
Aertker	Anzalone	Asseff	

Gauthier	Grier	Pugh
Avant	Guarisco	Rachal
Badeaux	Hardee	Rayburn
Bergeron	Hayes	Reeves
Blair	Haynes	Robinson
Bollinger	Heine	Roemer
Brien	Hernandez	Roy
Burns	Jackson, A.	Sandoz
Burson	Juneau	Schmitt
Cannon	Kean	Shannon
Carmouche	Kelly	Singletary
Casey	Kilbourne	Slay
Champagne	Kilpatrick	Soniat
Chatelain	Lambert	Stagg
Chehardy	Landrum	Stephenson
Comar	Landry, A.	Stovall
Conino	Landry, E. J.	Sutherland
Conroy	Lanier	Tate
Corne	LeBleu	Thistlethwaite
Cowen	Leigh	Thompson
D'Gerolamo	Leithman	Tobias
De Blieux	Lennox	Toca
Dennery	Lowe	Toomy
Derbes	Martin	Ullo
Deshotels	Mauberret	Velazquez
Dunlap	Miller	Vick
Duval	Mire	Wall
Elkins	Newton	Warren
Flory	Nunez	Wattigny
Fowler	O'Neill	Willis
Fulco	Ourso	Winchester
Ginn	Perez	Zervigon
Goldman	Perkins	
Gravel	Planchard	
Total—106.		

NAYS

Delegates—	
Jenkins	Stinson
Total—2.	

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Segura
Alexander	Fontenot	Silverberg
Bel	Giarrusso	Smith
Berry	Jack	Tapper
Brown	Jackson, J.	Vesich
Dennis	McDaniel	Weiss
Drew	Munson	Wisham
Edwards	Riecke	Womack
Total—24.		

And the Chair declared that the above Section was passed.

Delegate Kean moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 30. Supremacy of Constitution

Section 30. The provisions of this Constitution shall be paramount and neither the legislature, nor any political subdivision, shall enact any laws or ordinances in conflict therewith.

Read.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 15, delete lines 12 through 16, both inclusive, in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fulco	Planchard
Alario	Gauthier	Pugh
Arnette	Giarrusso	Rachal
Avant	Ginn	Rayburn
Badeaux	Goldman	Roemer
Bergeron	Gravel	Roy
Blair	Guarisco	Sandoz
Brien	Hardee	Schmitt
Burns	Hayes	Shannon
Burson	Jackson, A.	Singletary
Carmouche	Juneau	Slay
Casey	Kilbourne	Soniat
Champagne	Kilpatrick	Stephenson
Chatelain	Lambert	Stovall
Chehardy	Landrum	Sutherland
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Ullo
D'Gerolamo	Lowe	Vick
De Blieux	Martin	Wall
Dennery	Mauberret	Warren
Dennis	Mire	Wattigny
Dunlap	Newton	Willis
Fayard	Ourso	Womack
Flory	Perez	Zervigon
Fowler	Perkins	
Total—83.		

NAYS

Delegates—		
Anzalone	Hernandez	Robinson
Asseff	Jenkins	Stagg
Bollinger	Kean	Stinson
Cannon	Kelly	Tapper
Deshotels	Lennox	Toomy
Duval	Miller	Velazquez
Heine	Nunez	Winchester
Total—21.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Reeves
Aertker	Grier	Riecke
Alexander	Haynes	Segura
Bel	Jack	Silverberg
Berry	Jackson, J.	Smith
Brown	Leithman	Tate
Derbes	McDaniel	Vesich
Drew	Munson	Weiss
Edwards	O'Neill	Wisham
Elkins		
Total—28.		

And the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up Committee Proposal No. 17, Section 23 at this time.

Section 23. Intergovernmental Cooperation

Section 23. (A) Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, the United States or agencies thereof, except as the legislature shall provide otherwise by law.

(B) Except as otherwise provided in this constitution, the legislature shall not require political subdivisions to exercise powers or perform functions jointly or in cooperation with any other political subdivision, nor shall the legislature re-

quire consolidation of governmental functions of local governmental subdivisions. However, the legislature may enact laws authorizing the consolidation of political subdivisions or the joint exercise of powers and performance of functions by political subdivisions, but no such law shall become effective until submitted to and approved by two-thirds of the electors in each of the political subdivisions affected thereby, who vote in an election called for that purpose.

Read.

Delegate Lanier sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Chatelain and Lanier to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 12 on line 23 after "Section 23." and before the word "Any" delete "(A)"

AMENDMENT No. 2—

On page 12 delete lines 29 through 32, both inclusive, in their entirety and delete all amendments adopted thereto

AMENDMENT No. 3—

On page 13 delete lines 1 through 8, both inclusive, in their entirety, and delete all amendments adopted thereto

Delegate Lanier moved the adoption of the amendment.

Delegate Toomy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Planchard
Abraham	Giarrusso	Pugh
Alario	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Heine	Schmitt
Brien	Hernandez	Shannon
Burns	Jenkins	Singletary
Burson	Juneau	Slay
Cannon	Kean	Soniat
Carmouche	Kelly	Stagg
Casey	Kilbourne	Stephenson
Champagne	Kilpatrick	Stinson
Chatelain	Lambert	Stovall
Chehardy	Landry, A.	Tapper
Comar	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Corne	LeBleu	Thompson
Cowen	Leigh	Tobias
De Blieux	Lennox	Toca
Dennery	Lowe	Ullo
Dennis	Martin	Vesich
Deshotels	Mauberrert	Vick
Dunlap	Mire	Wall
Duval	Newton	Wattigny
Elkins	Nunez	Willis
Fayard	Perez	Winchester
Flory	Perkins	Zervigon
Fowler		
Fulco		
Total—97.		

NAYS

Delegates—	Conroy	D'Gerolamo
Asseff		

Landrum
Miller
Total—9.

Sutherland
Toomy

Velazquez
Warren

NOT VOTING

Delegates—
Mr. Chairman
Aertker
Alexander
Bel
Berry
Brown
Derbes
Drew
Edwards
Total—26.

Fontenot
Haynes
Jack
Jackson, A.
Jackson, J.
Leithman
McDaniel
Munson
O'Neill

Ourso
Riecke
Segura
Silverberg
Smith
Weiss
Wisham
Womack

And the amendments were adopted.

Delegate Lanier moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 23, was read, as amended.

Delegate Lanier moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Elkins	Perez
Abraham	Fayard	Perkins
Alario	Fulco	Planchard
Arnette	Gauthier	Pugh
Asseff	Giarrusso	Rachal
Badeaux	Ginn	Reeves
Bergeron	Goldman	Robinson
Bollinger	Gravel	Roemer
Brien	Grier	Sandoz
Brown	Guarisco	Schmitt
Burns	Hardee	Shannon
Burson	Hayes	Singletary
Cannon	Heine	Soniat
Carmouche	Hernandez	Stagg
Casey	Juneau	Stephenson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Tapper
Comar	Kilpatrick	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leithman	Wattigny
Dennery	Lennox	Willis
Dennis	Lowe	Winchester
Deshotels	Mire	Womack
Duval	Nunez	Zervigon
Total—87.		

NAYS

Delegates—	Mauberrert	Stinson
Avant	Miller	Velazquez
Blair	Newton	Vick
Dunlap	Rayburn	Wall
Flory	Slay	Warren
Jenkins		
Leigh		
Total—16.		

NOT VOTING

Delegates—
Mr. Chairman
Aertker
Alexander
Anzalone
Bel
Berry
Drew
Edwards
Fontenot
Fowler
Total—29.

Haynes
Jack
Jackson, A.
Jackson, J.
Lambert
McDaniel
Martin
Munson
O'Neill
Ourso

Riecke
Roy
Segura
Silverberg
Smith
Toca
Vesich
Weiss
Wisham

And the Chair declared that the above Section was passed.

Delegate Kean moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, below line 32, add the following section: "Section 27.1. Expropriation and Appropriation by Political Subdivision; Right to Suspensive Appeal

Section 27.1. In all expropriations or appropriations, except for ports, levees, streets and highways, by political subdivisions, the owner of the property expropriated shall be entitled to a suspensive appeal."

Delegate Pugh moved to withdraw the amendment.

Delegate Arnette objected.

By a vote of 71 yeas and 23 nays and the amendment was withdrawn.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 14, below line 32, add the following section: "Section 27.1. Expropriation and Appropriation by Political Subdivision; Right to Suspensive Appeal

Section 27.1. In all expropriations or appropriations, except for ports, levees, courthouses, streets and highways, by political subdivisions, the owner of the property expropriated shall be entitled to a suspensive appeal."

Delegate Pugh moved the adoption of the amendment.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hardee	Singletary
Arnette	Jackson, A.	Slay
Avant	Jenkins	Soniat
Bollinger	Kilbourne	Stagg
Brien	Kilpatrick	Stinson
Cowen	Lambert	Stovall
De Blieux	LeBleu	Tapper
Dennis	Leithman	Thompson
Dunlap	Lennox	Velazquez
Flory	Newton	Vick
Fulco	Pugh	Wall
Ginn	Rachal	Warren
Goldman	Roy	Wisham
Gravel	Schmitt	
Guarisco	Shannon	
Total—43.		

NAYS

Delegates—		
Alario	Badeaux	Brown
Anzalone	Bergeron	Burns
Aseff	Blair	Burson

Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
D'Gerolamo
Dennery
Derbes
Duval
Elkins
Fayard
Fowler
Gauthier
Giarrusso
Total—64.

Grier
Hayes
Heine
Juneau
Kean
Landry, A.
Landry, E. J.
Lanier
Leigh
Lowe
Martin
Miller
Mire
Nunez
Ourso
Perez
Perkins
Planchard
Rayburn
Reeves
Robinson
Roemer
Sandoz
Stephenson
Sutherland
Tate
Thistlethwaite
Tobias
Toca
Toomy
Ullo
Vesich
Wattigny
Willis
Womack
Zervigon

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	O'Neill
Aertker	Hernandez	Riecke
Alexander	Jack	Segura
Bel	Jackson, J.	Silverberg
Berry	Kelly	Smith
Deshotels	Landrum	Weiss
Drew	McDaniel	Winchester
Edwards	Mauberet	
Fontenot	Munson	
Total—25.		

The amendment not having received a majority vote of the total membership of the Convention, necessary to pass a Section to a Proposal, failed to pass.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez action was deferred on Committee Proposal No. 17, Section 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 at this time.

Section 44. Levee Districts

Section 44. (A) Levee districts as now organized and constituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts. However, the members of the boards of commissioners of such districts shall be appointed or elected from residents of such district;

(2) Any levee district whose flood control responsibilities are limited to and which is situated entirely within the boundaries of one parish may be merged and consolidated into such parish under the terms and conditions and in the manner provided in Section 18 of this Article. This provision shall be self-operative.

(B) No action taken hereunder shall impair the obligation of any outstanding bonded indebtedness or of any other contract of such levee district.

Read.

Delegate Nunez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Nunez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 26, after the word "of" and before the word "shall" delete the words "such districts" and insert in lieu thereof the words "each district"

AMENDMENT No. 2—

On page 23, line 27, after the word "district" change the semicolon ";" to a comma "," and add the following: "as provided by law;"

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On motion of Delegate Nunez the amendments were adopted.

Delegate Nunez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Ginn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Ginn to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 26, after the word "be" delete the word "appointed" and delete line 27 in its entirety and insert in lieu thereof "elected as provided by law;"

Delegate Ginn moved the adoption of the amendment.

Delegate Brown objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Grier
Anzalone	Hardee
Arnette	Hayes
Avant	Haynes
Badeaux	Hernandez
Champagne	Jackson, A.
Comar	Jenkins
Cowen	Kelly
Deshotels	Kilpatrick
Dunlap	Lambert
Duval	Landry, A.
Fayard	Landry, E. J.
Flory	Lanier
Ginn	LeBleu
Goldman	Ourso

Total—44.

NAYS

Delegates—

Abraham	Derbes
Alexander	Elkins
Asseff	Fowler
Bergeron	Fulco
Blair	Gauthier
Bollinger	Giarrusso
Brien	Gravel
Brown	Guarisco
Burns	Heine
Burson	Juneau
Cannon	Kean
Carmouche	Kilbourne
Casey	Leigh
Chatelain	Leithman
Chehardy	Lennox
Conino	Lowe
Conroy	Martin
Corne	Mauberret
D'Gerolamo	Miller
De Blieux	Newton
Dennery	Nunez
Dennis	Perez

Total—66.

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Bel
Berry

Drew
Edwards
Fontenot
Jack

Jackson, J.
Landrum
McDaniel
Mire

Munson
O'Neill
Rachal
Riecke
Total—22.

Robinson
Silverberg
Smith
Tapper

Warren
Weiss

And the amendment was rejected.

Delegate Arnette moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 23, after the words "for the" and before the word "consolidation" insert the word and punctuation "abolition,"

Delegate De Blieux moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 40 yeas and 64 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 28, after "(2)" delete the word "any" and insert in lieu thereof the following:
"Subject to the provisions of Paragraph (1), any"

Delegate De Blieux moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 17 yeas and 81 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 24, between lines 1 and 2, insert the following paragraph:

"(3) The authority of levee districts to expend its revenues shall be limited to drainage, flood control, hurricane flood protection and administrative expenses. Other powers and functions of levee districts now or hereafter authorized may be exercised provided that the revenues derived from such other functions are sufficient to pay the complete cost thereof. A local governmental subdivision, by ordinance adopted by it, may assume and merge into itself the authority to exercise such other powers and functions of a levee district exercised wholly within its boundaries. Thereupon, except for tax revenues, the local governmental subdivision shall succeed to and be vested with all of the rights, income, resources, jurisdiction, authority and powers of such levee district required for the exercise thereof."

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59th Days Proceedings—October 3, 1973

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate Munson Vice-chairman of the Committee on Natural Resources and the Environment, sent up the following notice:

The Committee on Natural Resources and the Environment will meet on Thursday, October 4, 1973, at 9:00 o'clock A.M. in the Senate Lounge and will consider the following agenda:

AGENDA

Consideration of the Committee's Proposal.

Respectfully submitted,

ROBERT MUNSON,
Vice-Chairman of the Committee on
Natural Resources and the Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Perez, chairman of the Committee on Local and Parochial Government, sent up the following notice:

The Committee on Local Government will meet on Thursday, October 4, 1973, at 11:00 o'clock in CR 206 and will consider the following agenda:

AGENDA

To meet jointly with the committee on Revenue, Finance and Taxation.

Respectfully submitted,

C. O. PEREZ,
Chairman of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leave of Absence

Delegate J. Jackson—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, October 4, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, October 4, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

SIXTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, October 4, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock P.M.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Abraham	Ginn	Rachal
Aertker	Goldman	Rayburn
Alario	Gravel	Reeves
Alexander	Grier	Riecke
Anzalone	Guarisco	Robinson
Arnette	Hardee	Roemer
Asseff	Hayes	Roy
Avant	Haynes	Sandoz
Badeaux	Heine	Schmitt
Bel	Hernandez	Segura
Bergeron	Jack	Shannon
Blair	Jackson, A.	Singletary
Brien	Jenkins	Slay
Brown	Juneau	Smith
Burns	Kean	Soniat
Burson	Kelly	Stagg
Cannon	Kilbourne	Stephenson
Carmouche	Kilpatrick	Stinson
Casey	Lambert	Stovall
Champagne	Landrum	Sutherland
Chatelain	Landry, A.	Tapper
Comar	Landry, E. J.	Tate
Conino	Lanier	Thistlethwaite
Conroy	LeBleu	Tobias
Corne	Leigh	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Dennis	Martin	Vick
Deshotels	Mauberret	Wall
Dunlap	Miller	Warren
Duval	Mire	Wattigny
Elkins	Munson	Weiss
Edwards	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Ourso	Womack
Fowler	Perez	Zervigon
Fulco	Perkins	
Gauthier	Planchard	
Total—124.		

ABSENT

Delegates—		
Berry	Derbes	Silverberg
Bollinger	Drew	Thompson
Ch Hardy	Jackson, J.	
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Roemer led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Martin, the reading of the Journal
was dispensed with.

On motion of Delegate Martin, the Journal of yesterday
was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals
Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler,
Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves,
Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

Section 44. Levee Districts

Section 44. (A) Levee districts as now organized and con-
stituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation,
division, or reorganization of existing levee districts or
create new levee districts. However, the members of the
boards of commissioners of such districts shall be appointed
or elected from residents of such district;

(2) Any levee district whose flood control responsibilities
are limited to and which is situated entirely within the
boundaries of one parish may be merged and consolidated
into such parish under the terms and conditions and in the
manner provided in Section 18 of this Article. This provision
shall be self-operative.

(B) No action taken hereunder shall impair the obliga-
tion of any outstanding bonded indebtedness or of any other
contract of such levee district.

Read.

Delegate Lennox sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee
Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 24, between lines 1 and 2, insert the following
paragraph:

"(3) The authority of levee districts to expend its revenues
shall be limited to drainage, flood control, hurricane flood
protection and administrative expenses. Other powers and
functions of levee districts now or hereafter authorized may
be exercised provided that the revenues derived from such
other functions are sufficient to pay the complete cost thereof.
A local governmental subdivision, by ordinance adopted by
it, may assume and merge into itself the authority to exer-
cise such other powers and functions of a levee district exer-
cised wholly within its boundaries. Thereupon, except for tax
revenues, the local governmental subdivision shall succeed to

and be vested with all of the rights, income, resources, jurisdiction, authority and powers of such levee district required for the exercise thereof."

The Chairman announced that the Convention had under consideration the above amendment to Committee Proposal No. 17, Section 44, when it adjourned on Wednesday, October 3, 1973, which was taken up and acted upon as follows:

Delegate Lennox moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Grier	Sandoz
Aertker	Guarisco	Singletary
Alexander	Hardee	Slay
Arnette	Hayes	Smith
Asseff	Hernandez	Stagg
Badeaux	Jack	Stinson
Brien	Jenkins	Stovall
Burns	Kilbourne	Sutherland
Chatelain	Leigh	Thistlethwaite
Corne	Lennox	Velazquez
Cowen	Munson	Vick
De Blieux	Newton	Warren
Dunlap	O'Neill	Weiss
Elkins	Riecke	Winchester
Goldman	Roy	Wisham
Total—45.		

NAYS

Delegates—		
Alario	Giarrusso	Planchard
Avant	Ginn	Pugh
Bel	Gravel	Rayburn
Bergeron	Heine	Reeves
Blair	Jackson, A.	Robinson
Cannon	Juneau	Roemer
Carmouche	Kean	Segura
Casey	Kelly	Shannon
Champagne	Landrum	Soniat
Comar	Landry, A.	Stephenson
Conino	Landry, E. J.	Tapper
Conroy	Lanier	Tate
D'Gerolamo	LeBleu	Tobias
Dennery	Leithman	Toca
Dennis	Lowe	Toomy
Deshotel's	McDaniel	Ullo
Duval	Martin	Vesich
Fayard	Mauberret	Wattigny
Flory	Mire	Willis
Fontenot	Nunez	Womack
Fulco	Perez	Zervigon
Gauthier	Perkins	
Total—65.		

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Miller
Anzalone	Edwards	Ourso
Berry	Fowler	Rachal
Bollinger	Haynes	Schmitt
Brown	Jackson, J.	Silverberg
Burson	Kilpatrick	Thompson
Chehardy	Lambert	Wall
Derbes		
Total—22.		

And the amendment was rejected.

Delegate Zervigon moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Nunez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 26, immediately after the words "commissioners of" and before "shall" delete the words "such districts" and insert in lieu thereof the following: "districts heretofore or hereafter created"

AMENDMENT No. 2—

On page 23, line 27, delete the semicolon ";," after the word "districts" and insert in lieu thereof "as provided by law;"

On motion of Delegate Perez the amendments were withdrawn.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 26, strike out Amendment No. 1 proposed by Delegate Nunez and adopted by the Convention on October 3, 1973, immediately after the words "commissioners of" and before "shall" delete the words "such districts" and insert in lieu thereof the following: "districts heretofore or hereafter created"

On motion of Delegate Nunez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly and Roemer to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23 delete lines 20 through 32, both inclusive, in their entirety and on page 24 delete lines 1 through 4 in their entirety including all Floor Amendments adopted to said pages and lines.

Delegate Kelly moved the adoption of the amendment.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Brien	Hernandez	Roemer
Casey	Jackson, A.	Roy
Corne	Jenkins	Schmitt
De Blieux	Kelly	Slay
Dennis	Kilpatrick	Smith
Dunlap	Lambert	Soniat
Duval	Leigh	Sutherland
Fontenot	Lennox	Tate
Fulco	Mire	Tobias
Ginn	Munson	Velazquez
Grier	Newton	Vick
Guarisco	O'Neill	Warren
Hayes	Rachal	
Total—38.		

NAYS

Delegates—		
Abraham	Gauthier	Rayburn
Aertker	Giarrusso	Reeves
Alario	Goldman	Riecke
Alexander	Gravel	Robinson
Anzalone	Hardee	Sandoz
Arnette	Heine	Segura
Asseff	Jack	Shannon
Avant	Juneau	Singletary
Badeaux	Kean	Stagg
Bel	Kilbourne	Stephenson
Bergeron	Landrum	Stinson
Blair	Landry, A.	Stovall
Burns	Landry, E. J.	Tapper
Cannon	Lanier	Thistlethwaite
Carmouche	LeBleu	Toca
Champagne	Leithman	Toomy
Chatelain	Lowe	Ullo
Comar	McDaniel	Vesich
Conino	Martin	Wall
Conroy	Mauberret	Wattigny
Cowen	Miller	Weiss
D'Gerolamo	Nunez	Willis
Dennery	Ourso	Winchester
Deshotels	Perez	Wisham
Elkins	Perkins	Womack
Fayard	Planchard	Zervigon
Flory	Pugh	
Total—80.		

NOT VOTING

Delegates—		
Mr. Chairman	Chehardy	Haynes
Berry	Derbes	Jackson, J.
Bollinger	Drew	Silverberg
Brown	Edwards	Thompson
Burson	Fowler	
Total—14.		

And the amendment was rejected.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 24, between lines 1 and 2, insert the following paragraph:

(3) The authority of levee districts to expend its revenues shall be limited to drainage, flood control, hurricane flood protection and administrative expenses.

The legislature shall provide for the orderly transfer of all powers and functions of any levee district not directly related to the performance of drainage, flood control, hurricane flood protection and administrative expenses. In such case the legislature shall further provide that the local governmental subdivision shall succeed to and be vested with all the rights, income, resources, jurisdiction, authority and powers of such levee districts required for the exercise thereof."

Delegate Lennox moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Guarisco	Riecke
Aertker	Hernandez	Roemer
Arnette	Jenkins	Roy
Badeaux	Kilbourne	Sandoz
Chatelain	Landrum	Segura
Corne	LeBleu	Singletary
De Blieux	Leigh	Stinson
Dennery	Lennox	Sutherland
Dunlap	Mire	Velazquez
Fontenot	Newton	Vick
Giarrusso	O'Neill	Warren
Grier	Rachal	Weiss
Total—36.		

NAYS

Delegates—		
Alario	Ginn	Planchard
Anzalone	Goldman	Pugh
Asseff	Gravel	Rayburn
Avant	Hardee	Reeves
Bel	Hayes	Robinson
Bergeron	Heine	Schmitt
Blair	Jack	Shannon
Brien	Jackson, A.	Smith
Cannon	Juneau	Soniat
Carmouche	Kelly	Stagg
Casey	Kilpatrick	Stephenson
Champagne	Lambert	Stovall
Comar	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lowe	Toomy
Dennis	McDaniel	Ullo
Deshotels	Martin	Vesich
Duval	Mauberret	Wall
Elkins	Miller	Wattigny
Fayard	Munson	Willis
Flory	Nunez	Winchester
Fulco	Ourso	Wisham
Gauthier	Perez	Zervigon
Total—75.		

NOT VOTING

Delegates—		
Mr. Chairman	Chehardy	Kean
Alexander	Derbes	Perkins
Berry	Drew	Silverberg
Bollinger	Edwards	Slay
Brown	Fowler	Thistlethwaite
Burns	Haynes	Thompson
Burson	Jackson, J.	Womack
Total—21.		

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brown sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brown to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 27, after the word "district" change the semicolon ";" to a comma "," and insert the following prior to the language added by Convention Floor Amendment No. 2 proposed by Mr. Nunez and adopted by the Convention on October 3, 1973:

"and at least one member of said board shall reside in each parish within such district,"

Delegate Perez moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 17 yeas and 91 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 44, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Planchard
Abraham	Gauthier	Pugh
Aertker	Giarrusso	Rachal
Alario	Goldman	Rayburn
Alexander	Gravel	Reeves
Anzalone	Grier	Riecke
Arnette	Hardee	Roy
Asseff	Hayes	Sandoz
Avant	Heine	Schmitt
Badeaux	Hernandez	Shannon
Bel	Jackson, A.	Singletary
Bergeron	Juneau	Slay
Blair	Kean	Soniat
Brien	Kilbourne	Stagg
Burns	Kilpatrick	Stephenson
Cannon	Landrum	Stinson
Carmouche	Landry, A.	Stovall
Casey	Landry, E. J.	Sutherland
Champagne	Lanier	Tapper
Chatelain	LeBlau	Tate
Comar	Leigh	Toca
Conino	Leithman	Toomy
Conroy	Lowe	Ullio
Corne	McDaniel	Velazquez
Cowen	Martin	Vesich
D'Gerolamo	Mauberret	Warren
Dennerly	Miller	Wattigny
Deshotels	Mire	Weiss
Duval	Munson	Willis
Elkins	Nunez	Winchester
Fayard	Perez	Wisham
Flory	Perkins	Zervigon
Fontenot		
Total—97.		

NAYS

Delegates—		
De Blieux	Jenkins	Ourso
Dennis	Kelly	Roemer
Dunlap	Lambert	Segura
Ginn	Lennox	Tobias
Guarisco	Newton	Vick
Jack	O'Neill	Wall
Total—18.		

NOT VOTING

Delegates—		
Berry	Drew	Silverberg
Bollinger	Edwards	Smith
Brown	Fulco	Thistlethwaite
Burson	Haynes	Thompson
Chehardy	Jackson, J.	Womack
Derbes	Robinson	
Total—17.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate De Blieux send up the following Explanation of Vote with respect to the question of the adoption of Section 44 of Committee Proposal No. 17:

"I have voted against the adoption of this Section because I believe this to be a legislative and not a constitutional matter."

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the dollar, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the dollar, on all taxable property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise in any levee district for any of the purposes herein set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased. However, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 24, delete lines 5 through 26, both inclusive, in their entirety.

On motion of Delegate Gravel the amendment was withdrawn.

Delegate A. Jackson moved that the Convention defer action on Committee Proposal No. 17, Section 45, at this time.

Delegate Lanier objected.

On motion of Delegate A. Jackson the motion to defer action was withdrawn.

On motion of Delegate Perez action was deferred on Section 45, at this time.

Section 46. Bond Issues

Section 46. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

(B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Read.

On motion of Delegate Perez action was deferred on Committee Proposal No. 17, Section 46, at this time.

Section 47. Interstate Districts

Section 47. The legislature, with the concurrence of an adjoining state, may create levee districts composed of territory partly in each state, and may authorize the construction and maintenance of levees wholly within another state.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Chatelain to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 5

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AMENDMENT No. 1—

On page 25, delete lines 7 through 12, both inclusive, in their entirety.

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 48. Cooperation with Federal Government

Section 48. All governing authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and conditions as may be provided by the federal authorities and accepted by the levee districts.

Read.

Passage

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Ginn	Pugh
Abraham	Goldman	Rachal
Alario	Gravel	Rayburn
Alexander	Grier	Reeves
Arnette	Guarisco	Riecke
Asseff	Hardee	Robinson
Avant	Hayes	Roemer
Badeaux	Haynes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jenkins	Slay
Burns	Juneau	Smith
Burson	Kean	Soniat
Cannon	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Sutherland
Chatelain	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thistlethwaite
Corne	Leigh	Tobias
Cowen	Leithman	Toca
D'Gerolamo	Lennox	Toomy
De Blieux	Lowe	Ullo
Dennerly	McDaniel	Velazquez
Dennis	Martin	Vesich
Deshotels	Mauberrret	Vick
Dunlap	Miller	Wall
Duval	Mire	Warren
Elkins	Newton	Wattigny
Flory	Nunez	Weiss
Fontenot	O'Neill	Willis
Fowler	Ouro	Winchester
Fulco	Perez	Wisham
Gauthier	Perkins	Zervigon
Giarrusso	Planchard	
Total—113.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Aertker	Drew	Munson
Anzalone	Edwards	Segura
Berry	Fayard	Silverberg
Bollinger	Jackson, J.	Stovall
Chehardy	Landrum	Thompson
Comar	LeBlau	Womack
Derbes		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 49. Compensation for Property Used or Destroyed; Tax

Section 49. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, if property used or destroyed for levees or levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements, the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

(B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

Read.

Delegate Conroy moved that the Convention recess for a period of five minutes.

As a substitute Delegate Perez moved that the rules be suspended in order to allow him an additional five minutes in which to further explain the Section.

Delegate Conroy objected.

The vote recurred on the substitute motion.

By a vote of 63 yeas and 28 nays the rules were suspended.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, at the end of line 24, delete the words "a price not to" and delete lines 25 through 31, both inclusive, in their entirety and insert in lieu thereof the following: "fair market value; provided, nothing contained in this"

On motion of Delegate Conroy the amendment was withdrawn.

On motion of Delegate Perez further action on Committee Proposal No. 17, Section 49, was deferred at this time.

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structures and organizations, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may diminish, reduce, or withdraw from any such commission or district, including the Board of Commissioners of the Port of New Orleans, any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(B) The legislature may by law grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts by law. However, in so doing the legislature shall not restrict or diminish the powers and functions, structure and organization, or territorial jurisdiction of an established

deep-water port commission or deep-water port, harbor, and terminal district except by a favorable vote of at least two-thirds of the elected membership of each house;

(C) (1) Notwithstanding the provision of Paragraphs (A) and (B) of this Section, the legislature shall by law provide for a change in the method of selection and composition of the Board of Commissioners of the Port of New Orleans and define its territorial jurisdiction.

(2) After the exercise of authority as provided in subparagraph (1) above, the legislature may only affect the Board of Commissioners of the Port of New Orleans as provided in Paragraphs (A) and (B) of this Section, except that no change in the territorial jurisdiction of said port shall affect the territorial jurisdiction of any other existing deep-water port commission or deep-water port, harbor, and terminal district.

(3) In the event the legislature does not exercise the authority granted in subparagraph (1) above within ten years after the adoption of this constitution, the composition of said board and territorial jurisdiction of said port shall not be changed except in compliance with Paragraphs (A) and (B) of this Section.

Read.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Tobias, J. Jackson, Landrum, Alexander, Giarrusso, Henry, Rachal, Juneau, Comar, Derbes, Sandoz, Soniat, Vesich, Bollinger, Perkins, Mauberret, Dennery, Casey, Lennox, Zervigon, Sutherland, Chatelain, Bergeron, Fulco, A. Jackson, and Ginn to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26 delete lines 12 through 32, both inclusive, in their entirety and on page 27 delete lines 1 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(B) Subject to compliance with Paragraph (A) of this Section, the legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts."

Delegate Dennery moved the adoption of the amendments.

Delegate Flory objected.

By a vote of 90 yeas and 8 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Ullo sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Ullo and Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, in Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the Convention on October 4, 1973, below the language added by said amendment add the following paragraph:

"(C) The membership of a deep-water port commission or deep-water port, harbor, and terminal district exercising territorial jurisdiction in more than one parish shall include at least one elector of each such parish."

Delegate Ullo moved the adoption of the amendment.

Delegate Nunez objected.

By a vote of 62 yeas and 39 nays the amendment was adopted.

Delegate Ullo moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez and Tapper to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, strike out Convention Floor Amendment No. 1 proposed by Delegate Ullo, et al., and adopted by the Convention on October 4, 1973, and in Floor Amendment No. 1 proposed by Delegate Dennery, et al., adopted by the convention on October 4, 1973, below the language added by said amendment add the following paragraph:

"(C) The membership of a deep-water port commission or deep-water port, harbor, and terminal district shall be provided for by law."

Delegate Nunez moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Arnette
Avant
Bel
Blair
Brien
Brown
Conino
D'Gerolamo
Dennis
Flory
Fontenot
Fowler
Gauthier
Ginn
Goldman
Total—46.

Gravel
Guarisco
Haynes
Jackson, A.
Juneau
Kelly
Kilbourne
Kilpatrick
Landry, E. J.
Leithman
Miller
Newton
Nunez
Pugh
Rayburn
Reeves

Robinson
Roemer
Roy
Singletary
Slay
Stephenson
Stovall
Tapper
Tate
Toca
Toomy
Vesich
Winchester
Wisham

NAYS

Delegates—

Abraham
Aertker
Anzalone
Asseff
Badeaux
Bergeron
Burns
Burson
Cannon
Casey
Champagne
Chatelain
Comar
Conroy
Corne
Dennery
Duval

Elkins
Fulco
Giarrusso
Grier
Hardee
Hayes
Heine
Hernandez
Jack
Jenkins
Kean
Landrum
Landry, A.
Lanier
LeBleu
Leigh
Lennox

Lowe
McDaniel
Martin
Mauberret
Mire
Ourso
Planchard
Rachal
Riecke
Sandoz
Smith
Soniat
Stagg
Stinson
Sutherland
Thistlethwaite
Tobias

Ullo	Warren	Willis
Velazquez	Weiss	Zervigon
Total—57.		

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Schmitt
Alexander	Dunlap	Segura
Berry	Edwards	Shannon
Bollinger	Fayard	Silverberg
Carmouche	Jackson, J.	Thompson
Chehardy	Lambert	Vick
Cowen	Munson	Wall
De Blieux	O'Neill	Wattigny
Derbes	Perez	Womack
Deshotels	Perkins	
Total—29.		

And the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Lennox, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read.

Delegate Robert J. Aertker, chairman, on behalf of the Committee on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

October 4, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Education and Welfare to submit the following report:

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:
A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Reported With Amendments

Respectfully submitted,
ROBERT J. AERTKER,
Chairman.

Delegate Stagg, chairman, on behalf of the Committee on Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

October 4, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Executive Department to submit the following report:

DELEGATE PROPOSAL No. 4—

Introduced by Delegates Asseff, Lennox and Womack:

A PROPOSAL

RELATIVE TO THE MANAGEMENT OF THE STATE HIGHWAY SYSTEM.

Reported unfavorably.

DELEGATE PROPOSAL No. 11—

Introduced by Delegate Duval:

A PROPOSAL

For prohibition against dual officeholding.

Reported unfavorably.

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state budget.

Reported favorably.

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers, duties, and functions.

Reported unfavorably.

DELEGATE PROPOSAL No. 64—

Introduced by Delegate Toca:

A PROPOSAL

Making provision for a board of commissioners of the Louisiana State Library.

Reported unfavorably.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Reported favorably.

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Reported favorably.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Reported favorably.

DELEGATE PROPOSAL No. 96—

Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat, Stovall, Sutherland, Velazquez and Weiss:

A PROPOSAL

Providing for the powers and duties of the attorney general.

Reported without action.

Respectfully submitted,
TOM STAGG,
Chairman.

Motion

On motion of Delegate Rayburn the rules were suspended in order to call a meeting of the Committee on Revenue, Finance and Taxation without giving the required twenty-four hours notice.

COMMITTEE NOTICE

Delegate Rayburn, chairman of the Committee on Revenue, Finance and Taxation, sent up the following notice:

The Committee on Revenue, Finance and Taxation will

meet on Friday, October 5, 1973, at 9:00 o'clock A.M. in Committee Room No. 5, State Capitol and will consider the following agenda:

AGENDA

Committee Proposal No. 26.

Respectfully submitted,

B. B. RAYBURN,
Chairman of the Committee on
Revenue, Finance and Taxation

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Stagg the rules were suspended in order to call a meeting of the Committee on Executive Department without giving the required twenty-four hours notice.

COMMITTEE NOTICE

Delegate Stagg, chairman of the Committee on the Executive Department, sent up the following notice:

The Committee on the Executive Department will meet on

Friday, October 5, 1973, at 10:00 o'clock A.M. in Committee Room 205 and will consider the following agenda:

AGENDA

To consider proposals referred to the Committee.

Respectfully submitted,

TOM STAGG,
Chairman of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Bollinger—3 days.
Delegate Thompson—½ day.
Delegate Chehardy—1 day.

Adjournment

Delegate Chatelain moved that the Convention do now adjourn until Friday, October 5, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, October 5, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SIXTY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, October 5, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Gravel	Reeves
Asseff	Grier	Riecke
Avant	Guarisco	Robinson
Badeaux	Hardee	Roemer
Bel	Hayes	Roy
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Brien	Hernandez	Shannon
Brown	Jack	Singletary
Burns	Jackson, A.	Slay
Burson	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Lambert	Tate
Conino	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leigh	Velazquez
Dennery	Lennox	Vesich
Dennis	Lowe	Vick
Derbes	McDaniel	Wall
Deshotels	Martin	Warren
Dunlap	Mauberret	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Munson	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Total—122.		

ABSENT

Delegates—		
Berry	Pugh	Stovall
Bollinger	Segura	Thistlethwaite
Drew	Silverberg	Womack
Leithman		
Total—10.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Vick led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Miller, the reading of the Journal
was dispensed with.

On motion of Delegate Miller, the Journal of yesterday
was adopted.

Morning Hour

**Reports of Committees Lying Over
Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals
were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 4—

Introduced by Delegates Asseff, Edwards, Lennox and Wo-
mack:

A PROPOSAL

**RELATIVE TO THE MANAGEMENT OF THE STATE
HIGHWAY SYSTEM.**

Read.

Reported unfavorably by the Committee on Executive De-
partment.

On motion of Delegate Asseff the Proposal was withdrawn
from the files of the Convention.

DELEGATE PROPOSAL No. 11—

Introduced by Delegate Duval:

A PROPOSAL

For prohibition against dual officeholding.

Read.

Reported unfavorably by the Committee on Executive De-
partment.

On motion of Delegate Duval the Proposal was withdrawn
from the files of the Convention.

DELEGATE PROPOSAL No. 23—

Introduced by Delegate Abraham:

A PROPOSAL

Relative to appropriations by the legislature for the state
budget.

Read.

Reported favorably by the Committee on Executive De-
partment.

On motion of Delegate Abraham the Proposal was ordered
engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 26—

Introduced by Delegate Newton:

A PROPOSAL

To establish a Board of Highways, a director, its powers,
duties, and functions.

Read.

Reported unfavorably by the Committee on Executive De-
partment.

On motion of Delegate Newton the Proposal was withdrawn
from the files of the Convention.

DELEGATE PROPOSAL No. 54—

Introduced by Delegates Juneau, Leithman and Corne:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

Read.

PAGE 2

61st Days Proceedings—October 5, 1973

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENT

Amendments proposed by Committee on Education and Welfare to Delegate Proposal No. 54 by Delegates Juneau, Leithman, and Corne:

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 10 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. The goals of the educational system of Louisiana shall be to provide learning environments and experiences designed to promote excellence so that all the children of the state may be afforded the opportunity to develop to their full potential."

AMENDMENT No. 2—

On page 1, between lines 26 and 27, add the following "Section 4.1. Funding; Elementary and Secondary Education of the school children of this state in the elementary and secondary schools shall be derived from sources determined by the legislature and shall be apportioned to the parish and city school boards in the manner hereinafter

(1) Minimum program. The legislature shall appropriate sufficient funds to insure a minimum program of education in all public elementary and secondary schools. The minimum program of education to be maintained in all parish and city school systems shall be established by the educational board or authority having supervision over public elementary and secondary education. The board shall adopt formulas and procedures for the distribution of these funds to the several school boards.

(2) Other funds. Any other funds provided by the legislature for the support of public schools shall be apportioned and distributed in accordance with a formula established by the educational board or authority having supervision over public elementary and secondary education, except as otherwise specifically provided for by the law appropriating the funds.

Any funds for public education from any other source shall be distributed in the manner determined by the board or authority having supervision over public elementary and secondary education, subject, however, to the terms of the laws governing such funds or the lawful stipulations of the source of the funds.

(B) Local funds. Local funds for the support of public elementary and secondary schools shall be derived from the following sources:

(1) Each parish and city school board, the parish of Orleans excepted, shall levy annually an ad valorem maintenance tax of five mills, or as much thereof as is necessary, on all property subject to such taxation within the parish or city in the manner prescribed by law.

The Orleans Parish School Board shall levy annually a tax not to exceed thirteen mills on the dollar on the assessed valuation of all property within the city of New Orleans assessed for city taxation and shall certify the fact to the governing authority of the city. The governing authority shall cause said tax to be entered on the tax rolls of the city and collected in the manner and under the conditions and with the interest and penalties prescribed by law for city taxes. The money thus collected shall be paid daily to the Orleans Parish School Board.

(2) For giving additional support to the public elementary and secondary schools, any parish, school district, or subschool district, or any municipality which supports a separate city system of public schools may levy ad valorem taxes for specific purposes, when authorized by a majority of the electors voting in the parish, municipality, district, or subdistrict, in an election called for the purpose. The amount, duration, and purpose of such taxes shall be in accord with any limitations imposed by this constitution or by the legislature. No such tax shall be levied for a period longer than ten years, except that any tax levied to pay the costs of bonds or other debts incurred shall

be levied and collected until the principal and interest on the bonds or other debts have been paid.

(3) The legislature may provide for additional sources of local support for elementary and secondary schools.

(C) Monroe, Bogalusa; treatment as parishes. For the effects and purposes of the provisions of this entire Section, the municipalities of Monroe, in Ouachita Parish, and Bogalusa, in Washington Parish, and no other, shall be regarded as, and treated upon the same basis and shall have the same authority as though they were separate parishes instead of municipalities.

(D) Ouachita Parish. The school board of Ouachita Parish shall not be required to pay to the city of Monroe out of the public funds any per capita for children residing without the limits of said city and who may attend the schools maintained by the city of Monroe under its legislative charter."

AMENDMENT No. 3—

On page 1, between lines 26 and 27, add the following new section:

Section 4.2. Free School Books and Materials of Instruction

Section 4.2. The legislature shall appropriate funds to supply free school books, and other materials of instruction as prescribed by the appropriate state educational board or other authority, to all school children in elementary and secondary schools."

AMENDMENT No. 4—

On page 2, line 2, after the word "private" delete the remainder of the line and insert in lieu thereof the following:

"elementary, secondary, and proprietary schools whose sustained curriculum or specialized course of study is of a quality"

AMENDMENT No. 5—

On page 2, delete lines 30 through 32, both inclusive, in their entirety, and on page 3, delete lines 1 and 2, both inclusive, in their entirety, and insert in lieu thereof the following:

"Section 9. Appropriations by the legislature for educational purposes shall be made to and administered by the appropriate board, agency, or authority and shall be used solely for the operations of the institutions for which designated in the appropriations."

AMENDMENT No. 6—

On page 3, delete lines 3 through 7, both inclusive, in their entirety

On motion of Delegate Juneau the amendments were adopted.

On motion of Delegate Juneau the Proposal, as amended, was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 64—

Introduced by Delegate Toca:

A PROPOSAL

Making provision for a board of commissioners of the Louisiana State Library.

Read.

Reported unfavorably by the Committee on the Executive Department.

On motion of Delegate Toca the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 67—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Reported favorably by the Committee on the Executive Department.

On motion of Delegate Abraham the Proposal was ordered engrossed and passed to its third reading.

PAGE 3

61st Days Proceedings—October 5, 1973

DELEGATE PROPOSAL No. 71—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the inclusion of the attorney general in the Executive Branch of government.

Read.

Reported favorably by the Committee on the Executive Department.

On motion of Delegate Abraham the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 72—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the deletion of the attorney general from the Judicial Branch of state government.

Read.

Reported favorably by the Committee on the Executive Department.

On motion of Delegate Abraham the Proposal was engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 96—

Introduced by Delegates Vick, Abraham, Bel, Berry, Casey, Dennery, Goldman, Guarisco, Haynes, A. Jackson, J. Jackson, LeBreton, Lennox, Miller, Pugh, Rachal, Riecke, Soniat, Stovall, Sutherland, Velazquez and Weiss:

A PROPOSAL

Providing for the powers and duties of the attorney general.

Read.

Reported without action by the Committee on the Executive Department.

On motion of Delegate Vick the Proposal was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structures and organizations, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may diminish, reduce, or withdraw from any such commission or district, including the Board of Commissioners of the Port of New Orleans, any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including its territorial

jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(B) The legislature may by law grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts by law. However, in so doing the legislature shall not restrict or diminish the powers and functions, structure and organization, or territorial jurisdiction of an established deep-water port commission or deep-water port, harbor, and terminal district except by a favorable vote of at least two-thirds of the elected membership of each house;

(C) (1) Notwithstanding the provision of Paragraphs (A) and (B) of this Section, the legislature shall by law provide for a change in the method of selection and composition of the Board of Commissioners of the Port of New Orleans and define its territorial jurisdiction.

(2) After the exercise of authority as provided in subparagraph (1) above, the legislature may only affect the Board of Commissioners of the Port of New Orleans as provided in Paragraphs (A) and (B) of this Section, except that no change in the territorial jurisdiction of said port shall affect the territorial jurisdiction of any other existing deep-water port commission or deep-water port, harbor, and terminal district.

(3) In the event the legislature does not exercise the authority granted in subparagraph (1) above within ten years after the adoption of this constitution, the composition of said board and territorial jurisdiction of said port shall not be changed except in compliance with Paragraphs (A) and (B) of this Section.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 17, Section 50, when it adjourned on Thursday, October 4, 1973, which was taken up and acted upon as follows:

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, in Convention Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the Convention on October 4, 1973, on line 2 of the language added by said Amendment, strike out the word "All" and insert in lieu thereof the following:

"Subject to and not inconsistent with any provision of this constitution, all"

Delegate Conroy moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Ginn	Nunez
Alario	Goldman	O'Neill
Asseff	Gravel	Planchard
Avant	Guarisco	Rayburn
Badeaux	Hardee	Reeves
Blair	Hayes	Robinson
Brown	Haynes	Roemer
Champagne	Jack	Roy
Conroy	Jackson, A.	Schmitt
De Blieux	Jenkins	Slay
Dennis	Kelly	Smith
Dunlap	Kilpatrick	Stinson
Edwards	Lambert	Tapper
Elkins	Landry, E. J.	Thompson
Flory	Leigh	Wall
Fontenot	Miller	Warren
Fowler	Mire	Wisham
Gauthier	Newton	

Total—53.

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NAYS

Delegates—

Mr. Chairman
Abraham
Anzalone
Arnette
Bel
Bergeron
Brien
Burns
Burson
Cannon
Carmouche
Casey
Chatelain
Chehardy
Comar
Conino
Corne
Cowen
D'Gerolamo
Dennery
Total—59.

Derbes
Deshotels
Fulco
Giarrusso
Grier
Heine
Hernandez
Jackson, J.
Kilbourne
Landrum
Landry, A.
Lanier
LeBleu
Lennox
Lowe
Martin
Mauberret
Ourso
Perkins
Rachal

Riecke
Sandoz
Shannon
Singletary
Soniat
Stagg
Stephenson
Sutherland
Tobias
Toca
Toomy
Ullo
Velazquez
Vick
Wattigny
Weiss
Willis
Winchester
Zervigon

NOT VOTING

Delegates—

Alexander
Berry
Bollinger
Drew
Duval
Fayard
Juneau
Total—20.

Kean
Leithman
McDaniel
Munson
Perez
Pugh
Segura

Silverberg
Stovall
Tate
Thistlethwaite
Vesich
Womack

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Tapper and Gauthier to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, strike out Floor Amendment No. 1 proposed by Delegates Ullo and Conroy and adopted by the Convention on October 4, 1973, and in Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the Convention on October 4, 1973, below the language added by said amendment add the following:

“(C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.”

Delegate Nunez moved the adoption of the amendment.

Delegate Lennox objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Alario
Arnette
Avant
Blair
Brien

Brown
Burson
Cannon
Carmouche
Chehardy
Conino

D'Gerolamo
De Blieux
Dennis
Deshotels
Dunlap
Duval

Edwards
Elkins
Fayard
Flory
Fontenot
Fowler
Gauthier
Ginn
Goldman
Gravel
Guarisco
Hayes
Haynes
Heine
Jackson, A.
Jenkins
Total—65.

Kelly
Kilpatrick
Lambert
Landry, E. J.
LeBleu
Martin
Miller
Mire
Newton
Nunez
O'Neill
Ourso
Perez
Planchard
Rayburn
Reeves

Robinson
Roemer
Roy
Slay
Tapper
Tate
Thompson
Toca
Toomy
Ullo
Wall
Warren
Wattigny
Willis
Wisham

NAYS

Delegates—

Abraham
Aertker
Anzalone
Asseff
Bel
Bergeron
Burns
Casey
Champagne
Chatelain
Comar
Conroy
Corne
Cowen
Dennery
Derbes
Fulco
Total—49.

Giarrusso
Grier
Hardee
Hernandez
Jack
Jackson, J.
Kean
Kilbourne
Landrum
Lanier
Leigh
Lennox
Lowe
Mauberret
Perkins
Rachal

Riecke
Sandoz
Schmitt
Shannon
Singletary
Smith
Soniat
Stagg
Stinson
Sutherland
Tobias
Velazquez
Vesich
Vick
Weiss
Zervigon

NOT VOTING

Delegates—

Alexander
Badeaux
Berry
Bollinger
Drew
Juneau
Total—18.

Landry, A.
Leithman
McDaniel
Munson
Pugh
Segura

Silverberg
Stephenson
Stovall
Thistlethwaite
Winchester
Womack

And the amendment was adopted.

Delegate Tapper moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, in Convention Floor Amendment No. 1 proposed by Delegate Dennery, et al., and adopted by the Convention on October 4, 1973, on line 8, after the words “The legislature” and before the word “may” insert the following:

“may consolidate or abolish any such commission or district or”

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 26, delete lines 12 through 32, both inclusive, in their entirety, including all amendments adopted thereto, and on page 27 delete lines 1 through 24, both inclusive, in their entirety, including all amendments adopted thereto, and insert in lieu thereof the following:

"Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;

(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature."

Delegate Dennery moved the adoption of the amendment.

Delegate Brown objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Perkins
Abraham	Fulco	Planchar
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Anzalone	Ginn	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Bel	Grier	Sandoz
Bergeron	Guarisco	Shannon
Blair	Hayes	Singletary
Brien	Haynes	Slay
Burns	Hernandez	Smith
Burson	Jackson, A.	Soni
Cannon	Jackson, J.	Stagg
Carmouche	Kelly	Stinson
Casey	Kilpatrick	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	LeBleu	Tobias
Corne	Leigh	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	Martin	Vesich
Derbes	Mauberret	Vick
Dunlap	Miller	Wall
Duval	Newton	Wattigny
Edwards	Nunez	Weiss
Elkins	O'Neill	Willis
Fayard	Ourso	Wisham
Flory	Perez	Zervigon
Fontenot		
Total—94.		

NAYS

Delegates—		
Brown	Chatelain	Deshotels
Champagne	Dennis	Jenkins

Kean
Kilbourne
Total—10.

Lanier

Riecke

NOT VOTING

Delegates—
Alexander
Arnette
Badeaux
Berry
Bollinger
Cowan
Drew
Hardee
Heine
Jack
Total—28.

Juneau
Lambert
Leithman
McDaniel
Mire
Munson
Pugh
Rachal
Schmitt

Segura
Silverberg
Stephenson
Stovall
Thistlethwaite
Toca
Warren
Winchester
Womack

And the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 26, line 12, in Floor Amendment No. 1, proposed by Delegate Dennery, and adopted by the convention on October 5, 1973, on line 22, of said amendment, after the words "membership of the" delete the remainder of the line and at the beginning of line 23, delete "vided commissions." and insert in lieu thereof the following:

"Board of Commissioners of the Port of New Orleans."

Delegate Chatelain moved the adoption of the amendment.

Delegate Roemer objected.

By a vote of 25 yeas and 85 nays the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 50, was read, as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Kilpatrick
Abraham	Dennis	Lambert
Aertker	Derbes	Landrum
Alario	Deshotels	Landry, A.
Anzalone	Dunlap	Landry, E. J.
Arnette	Duval	Lanier
Avant	Elkins	LeBleu
Badeaux	Fayard	Leigh
Bel	Flory	Lennox
Bergeron	Fowler	Martin
Blair	Fulco	Mauberret
Burns	Gauthier	Miller
Cannon	Giarrusso	Mire
Carmouche	Ginn	Munson
Casey	Goldman	Nunez
Chatelain	Gravel	Perez
Chehardy	Grier	Perkins
Comar	Guarisco	Planchar
Conino	Hayes	Rachal
Conroy	Haynes	Rayburn
Corne	Hernandez	Reeves
D'Gerolamo	Jackson, A.	Robinson
De Blieux	Jackson, J.	Sandoz

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Schmitt	Sutherland	Veisch
Shannon	Tapper	Vick
Singletary	Tate	Wall
Slay	Thompson	Warren
Smith	Tobias	Wattigny
Soniat	Toca	Willis
Stagg	Toomy	Wisham
Stephenson	Ullo	Zervigon
Stinson	Velazquez	
Total—95.		

NAYS

Delegates—		
Asseff	Jack	Newton
Brown	Jenkins	O'Neill
Burson	Kean	Ourso
Champagne	Kelly	Riecke
Fontenot	Kilbourne	Roemer
Heine	Low	Roy
Total—18.		

NOT VOTING

Delegates—		
Alexander	Hardee	Silverberg
Berry	Juneau	Stovall
Bollinger	Leithman	Thistlethwaite
Brien	McDaniel	Weiss
Cowen	Pugh	Winchester
Drew	Segura	Womack
Edwards		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 51. Terms Defined

Section 51. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality;

(2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including special districts, authorized by law to perform governmental functions;

(3) "Municipality" means all incorporated cities, towns, and villages;

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(5) "Powers" means ability or capacity, synonymous with inherent or basic authority, to indulge in a particular undertaking or to provide or perform a certain service;

(6) "Functions" means duty in the sense that it is complementary of the power (ability) conferred and as such means onus or obligation to execute the power granted;

(7) "Structure and organization" means the structure and organization and/or the particular distribution and redistribution of powers and functions and/or the supervision, control, and internal arrangement of the component parts of the political subdivision.

(8) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(9) "Local or special law" means any law enacted by the legislature other than a general law;

(10) "General obligation bond" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount;

(11) "Deep-water port commissions and deep-water port, harbor, and terminal districts" means those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

Read.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 27 at the end of line 31 after the word "including" add the following words:
"school boards and"

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Nunez, Rayburn, Brown, Mire, A. Jackson, Duval, Kelly, Avant, Newton, Flory and Chehardy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 28, delete lines 6 through 16, both inclusive, in their entirety and on page 28 delete lines 22 and 23 in their entirety.

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 28, line 17, after the words and quotation marks "General law" and before the word "means" insert the following:
"or 'law'."

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Guarisco sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Guarisco to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 27 delete lines 25 through 32, both inclusive, in their entirety and on page 28 delete lines 1 through 32, both inclusive, in their entirety.

Delegate Guarisco moved the adoption of the amendment.

Delegate Goldman objected.

By a vote of 10 yeas and 99 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 51, was read as amended.

Delegate Perez moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fotnenot	O'Neill
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alexander	Giarrusso	Planchard
Anzalone	Ginn	Rachal
Arnette	Goldman	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Hayes	Robinson
Bel	Haynes	Roemer
Bergeron	Heine	Roy
Blair	Hernandez	Sandoz
Brien	Jack	Schmitt
Brown	Jackson, A.	Shannon
Burns	Jackson, J.	Singletary
Burson	Juneau	Slay
Cannon	Kean	Smith
Carmouche	Kilbourne	Stagg
Casey	Kilpatrick	Stephenson
Chatelain	Lambert	Stinson
Chehardy	Landrum	Sutherland
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
D'Gerolamo	LeBleu	Toomy
De Blieux	Leigh	Ullo
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	Martin	Warren
Dunlap	Mauberrret	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Munson	Wisham
Fayard	Nunez	Zervigon
Flory		
Total—105.		

NAYS

Delegates—	Newton	Vick
Guarisco	Soniat	Wall
Jenkins		
Kelly		
Total—7.		

NOT VOTING

Delegates—	Drew	Stovall
Alario	Hardee	Tapper
Berry	Leithman	Thistlethwaite
Bollinger	McDaniel	Toca
Champagne	Pugh	Winchester
Comar	Sgura	Womack
Cowen	Silverberg	
Deshotels		
Total—20.		

And the Chair declared that the above Section was passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez Proposal No. 17 was returned to the Calendar subject to call.

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

On motion of A. Jackson, and under a suspension of the rules, Committee Proposal No. 33, was taken up out of its regular order.

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel and Burson to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 12 and 13, insert the following: "Section 1. Election Code

Section 1. Subject to and not inconsistent with the provisions of this constitution, the legislature shall adopt an election code which shall provide for the registration of voters and for the conduct of all elections."

Delegate Gravel moved the adoption of the amendment.

Delegate Warren objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Deshotels	Mauberrret
Abraham	Duval	Miller
Aertker	Elkins	Mire
Alario	Fayard	Nunez
Anzalone	Flory	Perez
Arnette	Fontenot	Perkins
Asseff	Fowler	Planchard
Avant	Fulco	Reeves
Badeaux	Gauthier	Riecke
Bel	Giarrusso	Robinson
Bergeron	Ginn	Roemer
Brien	Gravel	Sandoz
Brown	Grier	Schmitt
Burson	Hernandez	Singletary
Cannon	Juneau	Slay
Carmouche	Kean	Smith
Casey	Kelly	Stagg
Champagne	Kilbourne	Sutherland
Chatelain	Lambert	Tapper
Chehardy	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Lennox	Vesich
Dennery	Lowe	Wattigny
Dennis	Martin	Willis
Derbes		
Total—81.		

NAYS

Delegates—	Jackson, A.	Roy
Alexander	Jackson, J.	Soniat
Comar	Jenkins	Stinson
Conroy	Kilpatrick	Velazquez
Dunlap	Landrum	Vick
Goldman	McDaniel	Wall
Guarisco	Newton	Warren
Hayes	O'Neill	Wisham
Haynes	Rachal	Zervigon
Jack		
Total—27.		

NOT VOTING

Delegates—	Berry	Blair
Mr. Chairman		

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Bollinger	Munson	Stephenson
Burns	Ourso	Stovall
Drew	Pugh	Thistlethwaite
Edwards	Rayburn	Toca
Hardee	Segura	Weiss
Heine	Shannon	Winchester
Leithman	Silverberg	Womack
Total—24.		

The amendment having received a majority vote of entire membership of the Convention, necessary to pass a Section to a Proposal, was passed.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 33, Section 1, was read as amended.

Delegate Gravel moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Duval	Mauberet
Abraham	Edwards	Miller
Aertker	Elkins	Mire
Alario	Fayard	Newton
Alexander	Flory	Nunez
Anzalone	Fontenot	O'Neill
Annette	Fowler	Perez
Asseff	Fulco	Perkins
Avant	Gauthier	Planchar
Badeaux	Giarrusso	Reeves
Bel	Ginn	Riecke
Bergeron	Goldman	Robinson
Brien	Gravel	Roemer
Brown	Grier	Roy
Burson	Hayes	Sandoz
Cannon	Hernandez	Schmitt
Carmouche	Juneau	Singletary
Casey	Kean	Slay
Champagne	Kelly	Smith
Chatelain	Kilbourne	Stagg
Comar	Lambert	Sutherland
Conino	Landrum	Tapper
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leigh	Vesich
Dennery	Lennox	Wattigny
Dennis	Lowe	Willis
Derbes	McDaniel	Wisham
Deshotels	Martin	Zervigon
Dunlap		
Total—94.		

NAYS

Delegates—		
Guarisco	Jenkins	Velazquez
Haynes	Kilpatrick	Vick
Jack	Rachal	Wall
Jackson, A.	Soniat	Warren
Jackson, J.	Stinson	
Total—14.		

NOT VOTING

Delegates—		
Berry	Leithman	Stephenson
Blair	Munson	Stovall
Bollinger	Ourso	Tate
Burns	Pugh	Thistlethwaite
Chehardy	Rayburn	Toca
Drew	Segura	Weiss
Hardee	Shannon	Winchester
Heine	Silverberg	Womack
Total—24.		

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Haynes moved that the Convention take up other Orders of Business at this time.

Delegate Willis objected.

By a vote of 21 yeas and 75 nays the Convention refused to take up other Orders of Business at this time.

ARTICLE X. ELECTIONS

Section 1. Free Elections

Section 1. Elections shall be freely and fairly conducted on a periodic basis. No law shall interfere with the free exercise of the right to vote.

Read.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 16, both inclusive, in their entirety.

Delegate Juneau moved the adoption of the amendment.

Delegate J. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	Mauberet
Anzalone	Duval	Miller
Arnette	Elkins	Mire
Avant	Fayard	Nunez
Badeaux	Flory	Perez
Bergeron	Fowler	Planchar
Brien	Giarrusso	Reeves
Brown	Ginn	Riecke
Cannon	Gravel	Roemer
Carmouche	Hernandez	Sandoz
Casey	Juneau	Schmitt
Champagne	Kean	Singletary
Chatelain	Kelly	Smith
Comar	Kilbourne	Stagg
Conino	Landry, A.	Sutherland
Corne	Lanier	Tapper
Cowen	LeBleu	Thompson
D'Gerolamo	Leigh	Tobias
De Blieux	Lennox	Toomy
Dennery	Lowe	Vesich
Dennis	McDaniel	Wattigny
Derbes	Martin	Willis
Total—66.		

NAYS

Delegates—		
Aertker	Hayes	Robinson
Alario	Haynes	Roy
Alexander	Jack	Slay
Asseff	Jackson, J.	Soniat
Bel	Jenkins	Stinson
Burson	Kilpatrick	Ullo
Conroy	Lambert	Velazquez
Dunlap	Landrum	Vick
Fulco	Landry, E. J.	Wall
Gauthier	Newton	Warren
Goldman	O'Neill	Wisham
Grier	Perkins	Zervigon
Guarisco	Rachal	
Total—38.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Silverberg
Berry	Jackson, A.	Stephenson
Blair	Leithman	Stovall
Bollinger	Munson	Tate
Burns	Ourso	Thislethwaite
Chehardy	Pugh	Toca
Drew	Rayburn	Weiss
Edwards	Segura	Winchester
Fontenot	Shannon	Womack
Hardee		
Total—28.		

And the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox moved that the Convention take up other Orders of Business.

Delegate Duval objected.

By a vote of 37 yeas and 62 nays the Convention refused to take up other Orders of Business.

Motion

On motion of Delegate Burson, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read.

Delegate Stagg, chairman, on behalf of the Committee on Executive Department, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

October 5, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Executive Department to submit the following report:

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Denny:

A PROPOSAL

To provide for uniform compensation to members of all state boards, commissions, and authorities.

Reported with amendments.

DELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

Reported without action.

Respectfully submitted,

TOM STAGG,
Chairman.

Motion

On motion of Delegate Stagg, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of Committees were received and read.

Delegate Rayburn, chairman, on behalf of the Committee on Revenue, Finance and Taxation, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

October 5, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Revenue, Finance and Taxation to submit the following report:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Reported with amendments.

Respectfully submitted,

B. B. RAYBURN,
Chairman.

Suspension of the Rules

On motion of Delegate Rayburn the rules were suspended in order to take up the Proposal contained in the Committee Report at this time.

Reports of Committees Lying Over Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Reported with the following amendments by the Committee on Revenue, Finance and Taxation.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, add the following:

“(B) All public property.

(C) Places of religious worship; property owned by religious denominations and used as residences for ministers; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial, nor shall it apply to lands held for development as places for burial, when so held for profit; places devoted to charitable undertakings, including that of such organizations as lodges and clubs organized for charitable and fraternal purposes and practicing the same; schools and colleges; nonprofit hospitals; but the exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured

solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption. On January first following the expiration of any contract of exemption entered into under this Paragraph, and for each year thereafter, all property exempted by any such contract shall be listed on the assessment rolls and shall be assessed at the end of the tax exemption period at not more than the average assessment ratio on all other property assessed by the assessor in the parish in which the property is located. To determine the assessment ratio of locally assessed property, the Louisiana Tax Commission shall annually determine in each parish the assessed value of all locally assessed property in relation to actual value. All taxes imposed upon such property shall be collected in the manner provided by law.

(G) (1) All raw materials, goods, commodities, and articles

imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

All such property whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

All such property entitled to exemption shall be reported to the proper taxing authority on the forms required by law.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward. All such property whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

AMENDMENT No. 2—

On page 2, at the beginning of line 26, delete "(B)" and insert in lieu thereof "(H)"

COMMITTEE AMENDMENT

Amendment Proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, on line 1 of paragraph (D) of Committee Amendment No. 1 adopted on September 21, 1973 by the committee, and immediately after the words and punctuation "Cash on hand or deposit;" add the following:

"stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution;"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 1 and 2, add the following Section:

"Section 2. Rate of State Property Taxation; Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2 between lines 25 and 26 in Committee Amendment No. 1 adopted by the committee on September 21, 1973, in the language added by Committee Amendment No. 1, page 1, paragraph (D), line 16, after the word "cultural" and before the word "or", insert a comma "," and the words "mardi-gras carnival"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of line 4, add the following: "ad valorem"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, in Committee Amendment No. 1 adopted by the committee on September 21, 1973, in the language added by Committee Amendment No. 1, page 1, Paragraph (D), line 24, after the word "seafood" and before the semi-colon ";", insert the words "other than menhaden".

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, in Committee Amendment No. 1 adopted by the committee on September 21, 1973, in the language added by Committee Amendment No. 1, page 2, Paragraph (F), at the end of line 42, delete the word "On" and delete all of lines 43 through 56.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, in Committee Amendment No. 1 adopted by the committee on September 21, 1973, in the language added by Committee Amendment No. 1, page 3, paragraph (G), delete lines 5 through 7, and lines 14 through 16, begin a new paragraph with the word "All" in line 26 and insert after the word "property" and before the word "whether" the words "described in this Paragraph (G)".

COMMITTEE AMENDMENT

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 20 and 21, insert the following: "Section 6. Revenue Sharing Fund
Section 6. There is hereby established and created a special fund in the State Treasury to be known as the Revenue Sharing Fund. The fund shall be composed of moneys which shall be transferred to it annually out of the state general

fund by the state treasurer in the amount of eighty million dollars. This provision shall be self-operative. The legislature may allocate additional sums to the Revenue Sharing Fund and shall provide for distribution of the moneys in the fund to those local governing bodies, municipalities, police juries, boards, commissions, districts, and other agencies as may be designated by it.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 29 and 30, insert the following: "All property subject to taxation shall be re-appraised at intervals of not more than five years."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete all of lines 30 through 32 and on page 2 delete all of line 1 and insert in lieu thereof the following: "(D) The correctness of assessments by the assessor shall be subject to review by the governing authority of the parish, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, immediately below line 1 and before the Committee Amendment adding a new Section entitled "Rate of State Property Taxation; Limitation," insert the following Paragraph:

"(E) The legislature may provide that agricultural, horticultural and timber lands will be assessed for the purpose of taxation at a percentage of use value rather than fair market value."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, in Committee Amendment No. 1 relative to exemptions, on page 1 of the amendment, delete lines 2 through 15, entitled "Section (C), and insert in lieu thereof the following:

"(C) Places of religious worship; property owned by religious denominations and used as residences for clergy or religious; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial nor shall it apply to lands held for development as places for burial, when so held for profit; universities, schools and colleges; places devoted to charitable undertakings; hospitals, nursing homes, homes for the aged, convalescent and rehabilitation facilities, institutions for treatment, rehabilitation and care of the physically and mentally handicapped or retarded, orphanages, child and/or day care centers, which are organized as non-profit corporations under the Louisiana Non-profit Corporations Law or which are exempt from federal and state income taxation law which are licensed or regulated by the state of Louisiana; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same; but exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 25 and 26, in Committee Amendment No. 1 relative to exemptions, on page 1 of said amendment, on line 24 of Paragraph (D), delete the amendment stating "other than menhaden" which was adopted by the committee on September 27, 1973, and insert in lieu thereof the following on line 24 after the word "seafood" the words "for human consumption"

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 7, after the word "increased" and before the word "because", insert the words "or decreased".

AMENDMENT No. 2—

On page 3, line 12, after the word "same" and before the word "dollar", insert the word "total".

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 12 and 13, insert the following: "Such millage adjustments shall be made without regard to limitations contained elsewhere in this constitution."

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, line 26, after the word and punctuation "election," insert the following sentence:

"When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor."

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 4, line 3, insert the following paragraph:
"(C) When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor; except in the parish of Orleans, where the Board of Assessors for the parish of Orleans shall appoint the interim assessor."

AMENDMENT No. 2—

On page 3, line 26, delete Committee Amendment No. 1 proposed of Delegate Mire and adopted by the committee on October 5, 1973, relative to "vacancies"

COMMITTEE AMENDMENT

Amendment proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 20 and 21, after Committee Amendment No. 1 adding a new Section entitled "Revenue Sharing Fund", proposed by Delegate Conroy and adopted by the Committee on September 27, 1973 add the following new Section:

"Section 7. Method of Distribution of Revenue Sharing Funds

Section 7. Revenue sharing funds shall be distributed by the legislature to the parishes solely on the basis of population and number of homesteads in the parish. The ratio to be used in making the distribution and the distribution of these funds by each parish shall be made in accordance with law."

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Revenue, Finance and Taxation to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 2, at the beginning of line 2 and again at the beginning of line 4, change "Section 2." to "Section 3."

AMENDMENT No. 2—

On page 2, at the beginning of line 29 and again at the beginning of line 31, change "Section 3." to "Section 4."

AMENDMENT No. 3—

On page 3, at the beginning of line 5 and again at the beginning of line 6, change "Section 4." to "Section 5."

AMENDMENT No. 4—

On page 3 at the beginning of line 21 and again at the beginning of line 22, change "Section 5." to "Section 8."

On motion of Delegate Rayburn the amendments were adopted.

On motion of Delegate Rayburn the Proposal, as amended, was ordered engrossed and passed to its third reading.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on the Judiciary, sent up the following notice:

The Committee on the Judiciary will meet on Thursday, October 11, 1973, at 9:00 o'clock A.M. in Committee Room No. 1 and will consider the following agenda:

AGENDA

A public hearing on Delegate Proposals Nos. 32 and 43.

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on
The Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Stovall—2 days.

Delegate Pugh—1 day.

Delegate Leithman—1 day.

Delegate Thistlethwaite—1 day.

Delegate Segura—1 day.

Delegate Drew—Indefinite.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, October 6, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, October 6, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SIXTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, October 6, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Riecke
Avant	Hayes	Robinson
Badeaux	Haynes	Roemer
Bel	Heine	Roy
Bergeron	Hernandez	Sandoz
Brien	Jack	Schmitt
Burson	Jackson, A.	Segura
Cannon	Jackson, J.	Shannon
Carmouche	Jenkins	Singletary
Casey	Juneau	Smith
Champagne	Kean	Soniat
Chatelain	Kelly	Stagg
Chehardy	Kilbourne	Stinson
Comar	Kilpatrick	Sutherland
Conino	Lambert	Tapper
Conroy	Landrum	Tate
Corne	Landry, E. J.	Thistlethwaite
Cowen	Lanier	Toca
D'Gerolamo	LeBleu	Toomy
De Blieux	Leigh	Ullo
Dennis	Lennox	Velazquez
Derbes	Lowe	Vesich
Deshotels	Martin	Vick
Dunlap	Mauberrret	Wall
Duval	Miller	Warren
Edwards	Mire	Wattigny
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Zervigon
Fowler		
Total—112.		

ABSENT

Delegates—		
Berry	Hardee	Stephenson
Blair	Landry, A.	Stovall
Bollinger	Leithman	Thompson
Brown	McDaniel	Tobias
Burns	Pugh	Weiss
Dennery	Silverberg	Womack
Drew	Stay	
Total—20.		

The Chairman announced that there were 112 members
present and a quorum.

Prayer

Prayer was offered by Delegate Alexander.

Pledge of Allegiance

Delegate Carmouche led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Abraham, the reading of the Journal
was dispensed with.

On motion of Delegate Abraham, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals
were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 12—

Introduced by Delegate Dennery:

A PROPOSAL

To provide for uniform compensation to members of all state
boards, commissions, and authorities.

Read.

Reported with the following amendments by the Committee
on the Executive Department.

COMMITTEE AMENDMENT

Amendment proposed by Committee on the Executive De-
partment to Delegate Proposal No. 12 by Delegate Dennery.

Amend printed Proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 7 through 12, both inclusive, in
their entirety and insert in lieu thereof the following:

"Section 1. The legislature may provide that unsalaried
members of any state board, commission, or authority may be
compensated for each day devoted to the work of the board,
commission, or authority. The amount of compensation, if
any, shall be determined by the legislature, and shall be the
same for the members of all such boards, commissions, or
authorities."

On motion of Delegate Dennery the amendment was
adopted.

On motion of Delegate Dennery the Proposal, as amended,
was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 24—

Introduced by Delegate Schmitt:

A PROPOSAL

Providing for a commissioner of consumer affairs.

Read.

Reported without action by the Committee on the Executive
Department.

On motion of Delegate Stagg the Proposal was withdrawn
from the files of the Convention.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 12 and 13, and immediately below Section 1 as added by Floor Amendment No. 1 by Delegate Gravel proposed and adopted by the Convention on October 5, 1973, insert the following section:

"Section 2. Election Code; Right to Vote

Section 2. Subject to and not inconsistent with the provisions of this constitution, the legislature shall adopt an election code which shall provide for the permanent registration of voters and for the conduct of all elections; except as otherwise provided in this constitution, the right to vote in elections is guaranteed to all citizens of this state."

Delegate Gravel moved the adoption of the amendment.

Delegate LeBleu objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	O'Neill
Abraham	Flory	Planchard
Aertker	Fontenot	Rachal
Alario	Fowler	Rayburn
Alexander	Fulco	Reeves
Anzalone	Gauthier	Riecke
Arnette	Giarrusso	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Hayes	Schmitt
Bergeron	Haynes	Segura
Brien	Heine	Shannon
Burson	Hernandez	Singletary
Cannon	Jack	Sraith
Carmouche	Jackson, A.	Soniat
Casey	Jenkins	Stagg
Champagne	Juneau	Tate
Chatelain	Lambert	Thistlethwaite
Chehardy	Landrum	Ullo
Comar	Landry, E. J.	Velazquez
Conino	Lanier	Vesich
Conroy	Leigh	Vick
Corne	Lennox	Wall
Cowen	Lowe	Warren
D'Gerolamo	Martin	Wattigny
De Blieux	Mauberret	Willis
Derbes	Miller	Winchester
Deshotels	Mire	Wisham
Dunlap	Munson	Zervigon
Duval	Newton	
Edwards	Nunez	
Total—94.		

NAYS

Delegates—
Kilbourne
LeBleu
Total—5.

Stinson
Sutherland
Toomy

NOT VOTING

Delegates—
Berry
Blair
Bollinger
Brown
Burns
Dennery
Dennis
Drew
Fayard
Ginn
Guarisco
Total—33.

Hardee
Jackson, J.
Kean
Kelly
Kilpatrick
Landry, A.
Leithman
McDaniel
Ourso
Perez
Perkins
Pugh
Silverberg
Slay
Stephenson
Stovall
Tapper
Thompson
Tobias
Toca
Weiss
Womack

The amendment having received a majority vote of the entire membership of the Convention, necessary to pass a Section to a Proposal, was passed.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 33, Section 2, was read.

Delegate A. Jackson moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Elkins	O'Neill
Abraham	Flory	Planchard
Aertker	Fontenot	Rachal
Alario	Fowler	Rayburn
Alexander	Fulco	Reeves
Anzalone	Gauthier	Riecke
Arnette	Giarrusso	Robinson
Asseff	Goldman	Roemer
Avant	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Hayes	Schmitt
Bergeron	Haynes	Segura
Brien	Heine	Shannon
Burson	Hernandez	Singletary
Cannon	Jack	Smith
Carmouche	Jackson, A.	Soniat
Casey	Jenkins	Stagg
Champagne	Juneau	Sutherland
Chatelain	Lambert	Tate
Chehardy	Landrum	Thistlethwaite
Comar	Landry, E. J.	Toca
Conino	Lanier	Ullo
Conroy	Leigh	Velazquez
Corne	Lennox	Vesich
Cowen	Lowe	Vick
D'Gerolamo	Martin	Wall
De Blieux	Mauberret	Warren
Derbes	Miller	Wattigny
Deshotels	Mire	Willis
Dunlap	Munson	Winchester
Duval	Newton	Wisham
Edwards	Nunez	Zervigon
Total—96.		

NAYS

Delegates—
Kilbourne
Total—3.

Stinson
Toomy

NOT VOTING

Delegates—
Berry
Blair
Bollinger
Brown
Burns
Dennery

Dennis
Drew
Fayard
Ginn
Guarisco
Hardee
Jackson, J.
Kean
Kelly
Kilpatrick
Landry, A.
LeBleu

Leithman	Pugh	Tapper
McDaniel	Silverberg	Thompson
Ourso	Slay	Tobias
Perez	Stephenson	Weiss
Perkins	Stovall	Womack

Total—33.

And the Chair declared that the above Section was passed.

Delegate Gravel moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Gravel moved to call from the table the motion to reconsider the vote by which Committee Proposal No. 33, New Section 1, which was added by floor amendment, was passed.

Delegate Stinson objected.

By a vote of 95 yeas and 1 nay the motion to reconsider was called from the table.

On motion of Delegate Gravel the vote by which Committee Proposal No. 33, New Section 1, was passed, was reconsidered.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 12 and 13, delete Floor Amendment No. 1 proposed by Delegates Gravel and Burson and adopted by the Convention on October 5, 1973.

On motion of Delegate Gravel the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 2. Registration of Voters

Section 2. The legislature shall provide for registration of voters, embodying the principle of permanent registration.

Read.

Delegate Abraham sent up floor amendments which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Abraham to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, on line 18, immediately after "Section 2." strike out the remainder of the line and strike out lines 19 and 20, in their entirety, and insert in lieu thereof the following:

"Declaration of political party affiliation shall not be a prerequisite for registration."

AMENDMENT No. 2—

On page 1, line 17, immediately after "Section 2." strike out the remainder of the line and insert in lieu thereof the following:

"Registration; Declaration of Party Affiliation Not Required"

Motion

Delegate A. Jackson moved the previous question on the amendment.

Delegate Stagg objected.

By a vote of 24 yeas and 58 nays the Convention refused to order the previous question.

Delegate Abraham moved the adoption of the amendment.

Delegate Munson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	Schmitt
Alario	Jenkins	Stagg
Arnette	Lennox	Sutherland
Conroy	Miller	
Total—11.		

NAYS

Delegates—		
Aertker	Fulco	Perkins
Alexander	Gauthier	Planchard
Anzalone	Giarrusso	Rachal
Asseff	Ginn	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bel	Guarisco	Robinson
Bergeron	Hayes	Roemer
Brien	Haynes	Roy
Burson	Heine	Sandoz
Cannon	Hernandez	Segura
Carmouche	Jack	Shannon
Casey	Jackson, A.	Singletary
Champagne	Jackson, J.	Smith
Chatelain	Juneau	Soniat
Chehardy	Kean	Stinson
Comar	Kelly	Tapper
Conino	Kilbourne	Tate
Corne	Lambert	Toca
Cowen	Landrum	Toomy
D'Gerolamo	Landry, E. J.	Ullo
De Blieux	Lanier	Velazquez
Dennis	LeBleu	Vesich
Derbes	Leigh	Vick
Deshotels	Lowe	Warren
Dunlap	Martin	Wattigny
Duval	Maubert	Willis
Edwards	Mire	Winchester
Elkins	Munson	Wisham
Flory	Newton	Zervigon
Fontenot	Nunez	
Fowler	O'Neill	
Total—94.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Slay
Berry	Kilpatrick	Stephenson
Blair	Landry, A.	Stovall
Bollinger	Leithman	Thistlethwaite
Brown	McDaniel	Thompson
Burns	Ourso	Tobias
Dennery	Perez	Wall
Drew	Pugh	Weiss
Fayard	Silverberg	Womack
Total—27.		

And the amendment was rejected.

Delegate Munson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, strike out lines 17 through 20, both inclusive, in their entirety.

On motion of Delegate Newton the amendment was adopted.

Delegate Newton moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 3. Secret Ballot

Section 3. Voting shall be by secret ballot, and the legislature shall provide a method for absentee voting. Proxy voting shall be prohibited. All ballots cast shall be counted publicly and preserved inviolate until any election contests have been settled.

Read.

Delegate A. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Landry to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 25, immediately after the word "inviolat" and before the word "until" insert the words "as provided by law"

On motion of Delegate Lanier the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 22, immediately after "Section 3." strike out the word "Voting" and insert in lieu thereof "In all elections by the people, voting" and between lines 26 and 27, insert the following paragraph:

"In all elections by persons in a representative capacity, the vote shall be viva-voce."

Delegate Duval moved the adoption of the amendment.

Delegate Tapper objected.

By a vote of 93 yeas and 5 nays the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate De Blieux sent up the following Explanation of Vote with respect to the proposed amendment to Section 3 of Committee Proposal No. 33 by Delegate Duval.

"I have voted against the amendment because I believe this is not the place for this particular provision in our Constitution."

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 23, immediately after the word "voting" and before the period "." insert the following: "only by members of the armed forces of the United States and their spouses and children living with them"

Delegate Avant moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 23 yeas and 78 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 21 through 26, both inclusive, in their entirety including all amendments thereto and between lines 26 and 27 strike out the language added by Floor Amendment No. 1 proposed by Delegate Duval and adopted by the Convention on October 6, 1973.

Delegate Sandoz moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Perkins
Arnette	Ginn	Reeves
Cannon	Gravel	Robinson
Champagne	Heine	Sandoz
Chatelain	Hernandez	Segura
Chehardy	Kean	Stagg
Cowen	LeBleu	Tapper
De Blieux	Lennox	Thistlethwaite
Dennis	Lowe	Wattigny
Derbes	Mauberrret	Willis
Deshotels	Nunez	
Elkins	Ourso	
Total—34.		

NAYS

Delegates—		
Aertker	Duniap	Kilpatrick
Alario	Duval	Landrum
Alexander	Flory	Landry, E. J.
Anzalone	Fontenot	Lanier
Asseff	Fowler	Leigh
Avant	Fulco	Martin
Badeaux	Gauthier	Mire
Bel	Goldman	Newton
Bergeron	Grier	O'Neill
Burson	Guarisco	Planchard
Carmouche	Hayes	Rachal
Casey	Jack	Riecke
Comar	Jackson, A.	Roemer
Conino	Jackson, J.	Roy
Conroy	Jenkins	Schmitt
Corne	Juneau	Shannon
D'Gerolamo	Kelly	Singletary

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Soniat	Toomy	Warren
Stinson	Ullo	Winchester
Sutherland	Velazquez	Wisham
Tate	Vick	Zervigon
Total—63.		

NOT VOTING

Delegates—	Haynes	Slay
Mr. Chairman	Kilbourne	Smith
Berry	Lambert	Stephenson
Blair	Landry, A.	Stovall
Bollinger	Leithman	Thompson
Brien	McDaniel	Tobias
Brown	Miller	Toca
Burns	Munson	Vesich
Dennerly	Perez	Wall
Drew	Pugh	Weiss
Edwards	Rayburn	Womack
Giarrusso	Silverberg	
Hardee		
Total—35.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Gravel to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 24, immediately after the word "publicly" and before the word "and" insert a period "." and delete the remainder of the line including all Convention Floor Amendments thereto and delete line 26 in its entirety.

Delegate Gravel moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Derbes	Newton
Aertker	Fayard	Nunez
Alexander	Flory	Perkins
Anzalone	Fulco	Reeves
Avant	Giarrusso	Sandoz
Badeaux	Ginn	Schmitt
Brien	Gravel	Segura
Burson	Guarisco	Singletary
Casey	Kean	Tapper
Champagne	Landry, E. J.	Tate
Chatelain	Lennox	Thistlethwaite
Chehardy	Lowe	Toomy
Conroy	Mire	Wattigny
De Blieux		
Dennis		
Total—40.		

NAYS

Delegates—	Conino	Fowler
Abraham	Corne	Gauthier
Alario	Cowen	Goldman
Arnette	D'Gerolamo	Grier
Asseff	Dunlap	Hayes
Bel	Duval	Heine
Bergeron	Edwards	Hernandez
Cannon	Elkins	Jack
Carmouche	Fontenot	Jackson, A.
Comar		

Jackson, J.	O'Neill	Stinson
Jenkins	Ourso	Sutherland
Juneau	Planchard	Toca
Kelly	Rachal	Ullo
Kilbourne	Riecke	Velazquez
Kilpatrick	Robinson	Vick
Landrum	Roemer	Warren
Lanier	Roy	Willis
Leigh	Shannon	Winchester
Martin	Soniat	Wisham
Mauberret	Stagg	Zervigon
Total—60.		

NOT VOTING

Delegates—	Lambert	Slay
Mr. Chairman	Landry, A.	Smith
Berry	LeBleu	Stephenson
Blair	Leithman	Stovall
Bollinger	McDaniel	Thompson
Brown	Miller	Tobias
Burns	Munson	Vesich
Dennerly	Perez	Wall
Deshotels	Pugh	Weiss
Drew	Rayburn	Womack
Hardee	Silverberg	
Haynes		
Total—32.		

And the amendment was rejected.

Delegate Nunez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 33, Section 3, was read, as amended.

Delegate Roy moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fowler	O'Neill
Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alexander	Ginn	Rachal
Anzalone	Goldman	Reeves
Arnette	Gravel	Riecke
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hayes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Brien	Jack	Segura
Burson	Jackson, A.	Shannon
Cannon	Jackson, J.	Singletary
Carmouche	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kean	Stinson
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Tapper
Comar	Kilpatrick	Tate
Conino	Landrum	Thistlethwaite
Conroy	Landry, E. J.	Toomy
Corne	Lanier	Ullo
Cowen	Leigh	Velazquez
D'Gerolamo	Lennox	Vick
Dennis	Lowe	Warren
Derbes	Martin	Wattigny
Dunlap	Mauberret	Willis
Duval	Mire	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Zervigon
Flory		
Fontenot		
Total—97.		

NAYS

Delegate De Blieux
Total—1.

NOT VOTING

Delegates—	Berry	Blair
Alario		

Bollinger	LeBleu	Stephenson
Brown	Leithman	Stovall
Burns	McDaniel	Thompson
Dennery	Miller	Tobias
Deshotels	Munson	Toca
Drew	Perez	Vesich
Edwards	Pugh	Wall
Hardee	Rayburn	Weiss
Haynes	Silverberg	Womack
Lambert	Slay	
Landry, A.	Smith	
Total—34.		

And the Chair declared that the above Section was passed.

Delegate Roy moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. Residence of Electors

Section 4. No elector shall lose a bona fide residence by temporary absence due to any employment, including military service, or while studying or visiting away from his voting district.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 27 through 31, both inclusive, in their entirety.

Delegate Sandoz moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Mauberret
Alario	Fayard	Mire
Anzalone	Fontenot	Newton
Arnette	Fowler	Nunez
Badeaux	Gauthier	Ourso
Bel	Ginn	Perkins
Bergeron	Gravel	Planchard
Burson	Grier	Reeves
Cannon	Heine	Robinson
Carmouche	Hernandez	Sandoz
Casey	Juneau	Segura
Champagne	Kean	Stagg
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Tapper
Conino	Kilpatrick	Tate
Conroy	Lanier	Thistlethwaite
Corne	LeBleu	Toomy
D'Gerolamo	Leigh	Ullo
De Blieux	Lennox	Wattigny
Derbes	Lowe	Willis
Duval	Martin	Zervigon
Total—63.		

NAYS

Delegates—		
Aertker	Avant	Flory
Alexander	Cowen	Fulco
Asseff	Dunlap	Giarrusso

Goldman	Landry, E. J.	Stinson
Guarisco	O'Neill	Velazquez
Hayes	Rachal	Vick
Jack	Roemer	Warren
Jackson, A.	Roy	Winchester
Jackson, J.	Schmitt	Wisham
Jenkins	Singletary	
Landrum	Soniat	
Total—31.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Silverberg
Berry	Haynes	Slay
Blair	Lambert	Smith
Bollinger	Landry, A.	Stephenson
Brien	Leithman	Stovall
Brown	McDaniel	Thompson
Burns	Miller	Tobias
Comar	Munson	Toca
Dennery	Perez	Vesich
Dennis	Pugh	Wall
Deshotels	Rayburn	Weiss
Drew	Riecke	Womack
Edwards	Shannon	
Total—38.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 5. Political Activities

Section 5. No law shall deny the right of each person to organize, join, support, or oppose any political party or organization, or to support or oppose any candidate or proposition, except as otherwise provided in this constitution.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 32 in its entirety and on page 2, delete lines 1 through 5, both inclusive, in their entirety.

Delegate Derbes moved the adoption of the amendment.

Delegate J. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Newton
Anzalone	Fayard	Nunez
Arnette	Fontenot	Perkins
Avant	Fulco	Reeves
Badeaux	Giarrusso	Robinson
Bel	Gravel	Sandoz
Burson	Heine	Schmitt
Carmouche	Hernandez	Segura
Casey	Jack	Singletary
Champagne	Juneau	Stagg
Chatelain	Kean	Sutherland
Conino	Kilbourne	Tapper
Conroy	Lanier	Tate
Corne	LeBleu	Toomy
Cowen	Leigh	Ullo
D'Gerolamo	Lennox	Vesich
De Blieux	Lowe	Willis
Dennis	Martin	Winchester
Derbes	Mauberret	Zervigon
Duval	Mire	
Total—59.		

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NAYS

Delegates—

Alexander
Asseff
Bergeron
Cannon
Comar
Dunlap
Flory
Ginn
Goldman
Grier

Total—29.

Guarisco
Hayes
Jackson, A.
Jackson, J.
Jenkins
Kelly
Kilpatrick
Landrum
Landry, E. J.
O'Neill

Rachal
Roemer
Roy
Soniat
Stinson
Velazquez
Vick
Warren
Wisham

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Alario
Berry
Blair
Bollinger
Brien
Brown
Burns
Chehardy
Dennery
Deshotels
Drew
Edwards
Fowler

Total—44.

Gauthier
Hardee
Haynes
Lambert
Landry, A.
Leithman
McDaniel
Miller
Munson
Ourso
Perez
Planchard
Pugh
Rayburn
Riecke

Shannon
Silverberg
Slay
Smith
Stephenson
Stovall
Thistlethwaite
Thompson
Tobias
Toca
Wall
Wattigny
Weiss
Womack

And the amendment was adopted.

Delegate Derbes moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean, the Convention altered the Order of Business to take up other Orders of Business at this time.

Leaves of Absence

Delegate Thompson—1 day.
Delegate McDaniel—1 day.
Delegate Deshotels—1 day.
Delegate A. Landry—1 day.
Delegate Dennery—1 day.
Delegate Burns—1 day.
Delegate Blair—1 day.
Delegate Weiss—1 day.
Delegate Tobias—1 day.

Adjournment

Delegate Chatelain moved that the Convention do now adjourn until Tuesday, October 9, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Tuesday, October 9, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973 OF THE STATE OF LOUISIANA

SIXTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, October 9, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Rayburn
Aertker	Ginn	Reeves
Alario	Goldman	Riecke
Anzalone	Gravel	Robinson
Arnette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bergeron	Haynes	Shannon
Blair	Heine	Singletary
Bollinger	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Brown	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Cannon	Kelly	Stovall
Carmouche	Kilbourne	Sutherland
Casey	Kilpatrick	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Thistlethwaite
Chehardy	Landry, E. J.	Thompson
Comar	Lanier	Tobias
Conino	LeBleu	Toca
Conroy	Leithman	Toomy
Corne	Lennox	Ullo
Cowen	Lowe	Velazquez
De Blieux	Martin	Vesich
Dennery	Mauberrret	Vick
Derbes	Miller	Wall
Dunlap	Mire	Warren
Duval	Munson	Wattigny
Elkins	Newton	Willis
Fayard	Nunez	Winchester
Flory	O'Neill	Wisham
Fontenot	Perez	Zervigon
Fowler	Perkins	
Total—110.		

ABSENT

Delegates—		
Alexander	Giarrusso	Pugh
Bel	Hernandez	Rachal
Berry	Jack	Segura
D'Gerolamo	Lambert	Silverberg
Dennis	Leigh	Stinson
Deshotels	McDaniel	Weiss
Drew	Ourso	Womack
Edwards		
Total—22.		

The Chairman announced that there were 110 members
present and a quorum.

Prayer

Prayer was offered by Delegate Smith.

Pledge of Allegiance

Delegate Planchard led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Brien, the reading of the Journal
was dispensed with.

On motion of Delegate Brien, the Journal of yesterday was
adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications
were received and read:

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

October 9, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

R. W. "Buzzy" Graham, Alexandria, as Delegate to the
Constitutional Convention of 1973 (AT LARGE), vice Joe N.
Silverberg, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

Oath of Office

R. W. "Buzzy" Graham appeared before the bar of the
Convention and took the following oaths of office, admin-
istered by Honorable Albert Tate, Associate Justice, Louisiana
Supreme Court and Chief Clerk of the Constitutional Con-
vention:

"I hereby solemnly swear that I will support the consti-
tution and laws of the United States; that I will well faith-
fully perform all duties as a member of the convention,
and that I will observe and obey the limitation of authority
contained in the Act under which this convention has
assembled. So help me God."

"I R. W. "Buzzy" Graham do solemnly swear that I will
support the Constitution and laws of the United States and
the Constitution and laws of this State; and I will faithfully
and impartially discharge and perform all the duties incum-
bent upon me as a delegate to the Constitutional Convention,
according to the best of my ability and understanding. So
help me God."

/s/ R. W. "BUZZY" GRAHAM

Sworn to and subscribed before me this 9th day of Oc-
tober, 1973.

/s/ ALBERT TATE, JR.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 33, when it adjourned on Saturday, October 6, 1973, which was taken up and acted upon as follows:

Section 6. Privilege from Arrest

Section 6. Every qualified elector shall be privileged from arrest in going to and returning from voting and while exercising the right to vote in all cases, except felony or breach of the peace.

Read.

Passage

Delegate Vick moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fowler	Munson
Abraham	Fulco	O'Neill
Alario	Gauthier	Planchard
Anzalone	Ginn	Riecke
Arnette	Goldman	Roemer
Asseff	Graham	Sandoz
Avant	Gravel	Schmitt
Badeaux	Hardee	Shannon
Bergeron	Haynes	Singleetary
Bollinger	Heine	Smith
Brien	Jackson, A.	Soniat
Burns	Jenkins	Stagg
Burson	Juneau	Stovall
Cannon	Kean	Sutherland
Carmouche	Kelly	Tate
Casey	Kilbourne	Thistlethwaite
Champagne	Kilpatrick	Tobias
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Conino	Lanier	Velazquez
Conroy	LeBleu	Vick
Corne	Leithman	Warren
Dunlap	Lennox	Wattigny
Elkins	Lowe	Willis
Flory	Martin	Winchester
Fontenot	Mauberret	Zervigon
Total—78.		

NAYS

Delegates—
Total—0.

NOT VOTING

Delegates—		
Aertker	Deshotels	Landrum
Alexander	Drew	Leigh
Bel	Duval	McDaniel
Berry	Edwards	Miller
Blair	Fayard	Mire
Brown	Giarrusso	Newton
Comar	Grier	Nunez
Cowen	Guarisco	Ourso
D'Gerolamo	Hayes	Perez
De Blieux	Hernandez	Perkins
Dennery	Jack	Pugh
Dennis	Jackson, J.	Rachal
Derbes	Lambert	Rayburn

Reeves
Robinson
Roy
Segura
Slay

Total—54.

Stephenson
Stinson
Tapper
Thompson
Ullo

Vesich
Wall
Weiss
Wisham
Womack

And the Chair declared that the above Section was passed.

Delegate Vick moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 7. Candidacy for Public Office

Section 7. No qualified elector shall be denied the right to seek public office in the election district in which he is registered, except as otherwise provided in this constitution.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 11 through 15, both inclusive, in their entirety.

Delegate Sandoz moved the adoption of the amendment.

Delegate Warren objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Mauberret
Aertker	Flory	Mire
Alario	Fontenot	Munson
Anzalone	Gauthier	Newton
Arnette	Ginn	Planchard
Avant	Graham	Rayburn
Badeaux	Gravel	Sandoz
Bergeron	Hardee	Schmitt
Blair	Haynes	Shannon
Brien	Heine	Singleetary
Burns	Juneau	Stagg
Burson	Kean	Stovall
Carmouche	Kelly	Sutherland
Casey	Kilbourne	Tate
Champagne	Kilpatrick	Thistlethwaite
Chatelain	Landry, A.	Tobias
Chehardy	Landry, E. J.	Toca
Comar	Lanier	Toomy
Conino	Leithman	Wattigny
Conroy	Lennox	Willis
Corne	Lowe	Winchester
De Blieux	Martin	Zervigon
Dennery		
Total—67.		

NAYS

Delegates—
Asseff
Bollinger
Cannon
Dunlap
Fowler
Fulco
Goldman
Total—20.

Hayes
Jackson, A.
Jenkins
Landrum
LeBleu
O'Neill
Riecke

Roemer
Smith
Soniat
Velazquez
Vick
Warren

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Bel
Berry
Brown

Cowen
D'Gerolamo
Dennis
Derbes
Deshotels

Drew
Duval
Edwards
Fayard
Giarrusso

Grier	Ourso	Stephenson
Guarisco	Perez	Stinson
Hernandez	Perkins	Tapper
Jack	Pugh	Thompson
Jackson, J.	Rachal	Ullo
Lambert	Reeves	Vesich
Leigh	Robinson	Wall
McDaniel	Roy	Weiss
Miller	Segura	Wisham
Nunez	Slay	Womack
Total—45.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 8. Vote Required for Election

Section 8. No person shall be elected to any public office unless he has received the highest number of votes cast for that office. The legislature shall provide a method for breaking ties.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 16 through 20, both inclusive, in their entirety.

Delegate Sandoz moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Flory	Newton
Alario	Fontenot	Planchard
Anzalone	Gauthier	Rayburn
Arnette	Ginn	Reeves
Avant	Goldman	Roemer
Badeaux	Graham	Sandoz
Bergeron	Gravel	Schmitt
Blair	Heine	Shannon
Bollinger	Juneau	Singletary
Brien	Kean	Stagg
Burns	Kelly	Stovall
Burson	Kilbourne	Sutherland
Carmouche	Landry, A.	Tate
Casey	Landry, E. J.	Thistlethwaite
Champagne	Lanier	Thompson
Chatelain	LeBleu	Tobias
Chehardy	Leithman	Toca
Comar	Lennox	Toomy
Conino	Martin	Ullo
Conroy	Mauberret	Wattigny
Corne	Miller	Willis
De Blieux	Mire	Winchester
Dennery	Munson	Zervigon
Elkins		
Total—70.		

NAYS

Delegates—		
Aertker	Cannon	Fowler
Asseff	Dunlap	Fulco

Hardee	Kilpatrick	Smith
Hayes	Landrum	Soniat
Haynes	Lowe	Velazquez
Jack	O'Neill	Vick
Jackson, A.	Riecke	Warren
Jenkins		
Total—22.		

NOT VOTING

Delegates—		
Mr. Chairman	Giarrusso	Rachal
Alexander	Grier	Robinson
Bel	Guarisco	Roy
Berry	Hernandez	Segura
Brown	Jackson, J.	Slay
Cowen	Lambert	Stephenson
D'Gerolamo	Leigh	Stinson
Dennis	McDaniel	Tapper
Derbes	Nunez	Vesich
Deshotels	Ourso	Wall
Drew	Perez	Weiss
Duval	Perkins	Wisham
Edwards	Pugh	Womack
Fayard		
Total—40.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 9. Limitation on Term of Office

Section 9. No term for any public office elected by the people shall exceed four years, except as otherwise provided in this constitution.

Read.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Casey and Sutherland to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 21 through 24, both inclusive, in their entirety

Delegate Casey moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Corne	Landry, E. J.
Aertker	Cowen	Lanier
Alario	De Blieux	LeBleu
Anzalone	Dennery	Leithman
Arnette	Elkins	Lennox
Asseff	Flory	Lowe
Avant	Fontenot	Martin
Badeaux	Fowler	Miller
Bergeron	Fulco	Mire
Blair	Gauthier	Munson
Bollinger	Ginn	Newton
Brien	Goldman	Planchard
Burns	Graham	Rayburn
Burson	Gravel	Reeves
Cannon	Hayes	Riecke
Carmouche	Heine	Robinson
Casey	Jackson, J.	Sandoz
Champagne	Juneau	Schmitt
Chatelain	Kean	Shannon
Chehardy	Kelly	Singletary
Comar	Kilbourne	Smith
Conino	Kilpatrick	Stagg
Conroy	Landry, A.	Stovall

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Sutherland	Toca	Wattigny
Tapper	Toomy	Willis
Tate	Ullo	Winchester
Thistlethwaite	Velazquez	Zervigon
Tobias		
Total—82.		

NAYS

Delegates—		
Dunlap	Landrum	Thompson
Haynes	Roemer	Vick
Jackson, A.	Soniati	Warren
Jenkins		
Total—10.		

NOT VOTING

Delegates—		
Mr. Chairman	Grier	Perkins
Alexander	Guarisco	Pugh
Bel	Hardee	Rachal
Berry	Hernandez	Roy
Brown	Jack	Segura
D'Gerolamo	Lambert	Slay
Dennis	Leigh	Stephenson
Derbes	McDaniel	Stinson
Deshotels	Mauberret	Vesich
Drew	Nunez	Wall
Duval	O'Neill	Weiss
Edwards	Ourso	Wisham
Fayard	Perez	Womack
Giarrusso		
Total—40.		

And the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 10. Prohibited Use of Public Funds

Section 10. No public funds shall be used to urge any elector to vote for or against any candidate, nor appropriated to any candidate or political organization.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant and Lennox to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 27, immediately after the word "candidate" and before the comma "," insert the words "or proposition"

On motion of Delegate Avant the amendment was withdrawn.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Avant and Lennox to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 27, immediately after the word "candidate" and before the comma "," insert the words "or proposition"

AMENDMENT No. 2—

On page 2, line 28, immediately after the word and punctuation "organization.", add the following:

"The legislature shall pass laws to implement this prohibition."

Delegate Avant moved the adoption of the amendments.

Delegate Leithman objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Arnette	Guarisco	Reeves
Asseff	Hardee	Shannon
Avant	Jenkins	Slay
Bergeron	Juneau	Stagg
Bollinger	Kelly	Stephenson
Casey	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Cowen	LeBleu	Thompson
Dunlap	Lennox	Velazquez
Elkins	Mauberret	Vesich
Fayard	Miller	Vick
Flory	Munson	Wall
Fontenot	Newton	Wattigny
Ginn	Nunez	Willis
Gravel	O'Neill	Winchester
Graham	Perkins	Zervigon
Total—48.		

NAYS

Delegates—		
Abraham	Fowler	Rayburn
Aertker	Fulco	Riecke
Alario	Gauthier	Robinson
Anzalone	Goldman	Roemer
Badeaux	Hayes	Roy
Blair	Heine	Sandoz
Brien	Jack	Schmitt
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Smith
Cannon	Kean	Soniati
Carmouche	Landrum	Stovall
Champagne	Landry, A.	Tate
Chatelain	Landry, E. J.	Thistlethwaite
Chehardy	Lanier	Tobias
Conino	Leithman	Toca
Conroy	Lowe	Toomy
Corne	Martin	Ullo
De Blieux	Mire	Warren
Dennery	Perez	Wisham
Derbes	Planchard	
Total—59.		

NOT VOTING

Delegates—		
Mr. Chairman	Duval	McDaniel
Alexander	Edwards	Ourso
Bel	Giarrusso	Pugh
Berry	Grier	Rachal
Brown	Haynes	Segura
D'Gerolamo	Hernandez	Stinson
Dennis	Lambert	Weiss
Deshotels	Leigh	Womack
Drew		
Total—25.		

And the amendments were rejected.

Delegate Aertker moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 25 through 28, both inclusive, in their entirety.

Delegate De Blieux moved the adoption of the amendment.

Delegate Arnette objected.

By a vote of 68 yeas and 35 nays the amendment was adopted.

Delegate De Blieux moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 11. Registrars of Voters

Section 11. The governing authority of each parish shall appoint a parish registrar of voters who shall provide such bond and receive such compensation as may be determined by law. No person shall serve as registrar of voters while a qualified candidate for any elective office.

Read.

Delegate Reeves sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Ginn and Reeves to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 30 through 32, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 11. The governing authority of each parish shall appoint a parish registrar of voters, whose compensation, term of office, powers and functions, and bond shall be provided for in the election code. No person shall serve as registrar of voters who has qualified as a candidate for elective office."

On motion of Delegate Ginn the amendment was withdrawn.

Delegate Ginn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Ginn and Reeves to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 30 through 32, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 11. The governing authority of each parish shall appoint a parish registrar of voters, whose compensation, term of office, powers and functions, and bond shall be provided for in the election code. No person shall serve as registrar of voters while a qualified candidate for elective office."

Delegate Reeves moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 50 yeas and 55 nays the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 29 through 32, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety.

Delegate Tobias moved the adoption of the amendment.

Delegate Kelly objected.

By a vote of 5 yeas and 87 nays the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Roy moved that the Convention defer further action on this Section at this time.

Delegate Lennox objected.

By a vote of 84 yeas and 15 nays the Convention deferred further action on Section 11, at this time.

Section 12. Commissioners and Poll Watchers

Section 12. The legislature shall provide for the selection of commissioners and poll watchers at every election.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 3 through 5, both inclusive, in their entirety

Delegate Sandoz moved the adoption of the amendment.

Delegate Jenkins objected.

By a vote of 74 yeas and 22 nays the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 13. Election Returns

Section 13. Returns of elections shall be made in a uniform manner to and promulgated by the secretary of state.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 6 through 8, both inclusive, in their entirety

Delegate Sandoz moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 84 yeas and 17 nays the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 14. Registration Challenges

Section 14. A person may contest in the district court his denial of registration, or denial of his request to have removed from the rolls any names placed or standing thereon illegally, which cases shall have preference over all others.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 9 through 14, both inclusive, in their entirety

Delegate Sandoz moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Rayburn
Alario	Fulco	Reeves
Anzalone	Gauthier	Riecke
Arnette	Ginn	Roemer
Asseff	Graham	Sandoz
Avant	Gravel	Schmitt
Badeaux	Grier	Shannon
Bergeron	Hernandez	Singletary
Blair	Juneau	Slay
Brien	Kelly	Smith
Burns	Kilbourne	Stagg
Burson	Kilpatrick	Stephenson
Carmouche	Landry, A.	Stovall
Casey	Lanier	Sutherland
Champagne	LeBleu	Tapper
Chatelain	Leithman	Tate
Conino	Lennox	Thistlethwaite
Corne	Lowe	Tobias
Cowen	Martin	Toca
De Blieux	Mauberet	Toomy
Dennery	Mire	Ullo
Derbes	Newton	Vesich
Elkins	Nunez	Wattigny
Fayard	Perez	Willis
Flory	Perkins	Winchester
Fontenot	Planchar	Zervigon
Total—78.		

NAYS

Delegates—		
Bollinger	Guarisco	O'Neill
Cannon	Hardee	Robinson
Comar	Jackson, A.	Roy
Conroy	Jackson, J.	Soniat
Dunlap	Jenkins	Thompson
Duval	Landrum	Vick
Goldman	Landry, E. J.	Warren
Total—21.		

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Munson
Aertker	Giarrusso	Ourso
Alexander	Hayes	Pugh
Bel	Haynes	Rachal
Berry	Heine	Segura
Brown	Jack	Stinson
Chehardy	Kean	Velazquez
D'Gerolamo	Lambert	Wall
Dennis	Leigh	Weiss
Deshotels	McDaniel	Wisham
Drew	Miller	Womack
Total—33.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 15. Election Contests

Section 15. The legislature shall provide by law for the judicial determination of contested elections.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 15 through 17, both inclusive, in their entirety.

Delegate Sandoz moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Reeves
Alario	Fulco	Roemer
Arnette	Gauthier	Sandoz
Badeaux	Ginn	Schmitt
Blair	Graham	Shannon
Bollinger	Gravel	Singletary
Burns	Grier	Slay
Burson	Juneau	Smith
Carmouche	Kelly	Stagg
Casey	Kilpatrick	Stovall
Champagne	Lanier	Sutherland
Chatelain	LeBleu	Tapper
Conino	Leithman	Tate
Conroy	Lennox	Thistlethwaite
Corne	Lowe	Tobias
Cowen	Martin	Toca
De Blieux	Mire	Toomy
Dennery	Newton	Ullo
Derbes	Nunez	Vesich
Duval	Perez	Wattigny
Elkins	Perkins	Willis
Fayard	Planchar	Winchester
Flory	Rayburn	Zervigon
Fontenot		
Total—70.		

NAYS

Delegates—		
Anzalone	Goldman	Riecke
Asseff	Hardee	Robinson
Avant	Jackson, A.	Roy
Bergeron	Jackson, J.	Soniat
Brien	Jenkins	Stephenson
Cannon	Kilbourne	Thompson
Comar	Landrum	Vick
Dunlap	Landry, E. J.	Warren
Giarrusso	O'Neill	
Total—26.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Miller
Aertker	Hayes	Munson
Alexander	Haynes	Ourso
Bel	Heine	Pugh
Berry	Hernandez	Rachal
Brown	Jack	Segura
Chehardy	Kean	Stinson
D'Gerolamo	Lambert	Velazquez
Dennis	Landry, A.	Wall
Deshotels	Leigh	Weiss
Drew	McDaniel	Wisham
Edwards	Mauberet	Womack
Total—36.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 16. Election Fraud

Section 16. No person shall register and vote in more than one place, nor offer or receive anything of value in exchange for a vote, nor engage in any other form of election fraud. The legislature shall enact laws to suppress such activities, and penalties in such cases may include suspension of the right to vote and hold office for a period not to exceed five years.

Read.

Delegate Sandoz sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sandoz to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 18 through 25, both inclusive, in their entirety.

Delegate Sandoz moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Elkins	Planchard
Alario	Fayard	Rayburn
Anzalone	Flory	Reeves
Arnette	Fowler	Roemer
Avant	Fulco	Roy
Badeaux	Gauthier	Sandoz
Bergeron	Ginn	Schmitt
Blair	Goldman	Shannon
Bollinger	Graham	Singletary
Brien	Gravel	Slay
Burns	Juneau	Stagg
Burson	Kelly	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Landry, E. J.	Tapper
Champagne	Lanier	Tate
Chatelain	LeBleu	Thistlethwaite
Chehardy	Leithman	Thompson
Comar	Lennox	Tobias
Conino	Lowe	Toca
Conroy	Martin	Toomy
Corne	Maubertret	Ullo
Cowen	Mire	Vesich
De Blieux	Newton	Wattigny
Dennery	Nunez	Willis
Derbes	Perez	Winchester
Duval	Perkins	Zervigon
Total—78.		

NAYS

Delegates—		
Asseff	Haynes	Riecke
Cannon	Jackson, A.	Robinson
Dunlap	Jackson, J.	Smith
Fontenot	Jenkins	Soniat
Grier	Kilbourne	Stephenson
Guarisco	Landrum	Vick
Hardee	O'Neill	Warren
Hayes		
Total—22.		

NOT VOTING

Delegates—		
Mr. Chairman	Berry	Deshotels
Aertker	Brown	Drew
Alexander	D'Gerolamo	Edwards
Bel	Dennis	Giarrusso

Heine	McDaniel	Stinson
Hernandez	Miller	Velazquez
Jack	Munson	Wall
Kean	Ourso	Weiss
Lambert	Pugh	Wisham
Landry, A.	Rachal	Womack
Leigh	Segura	
Total—32.		

And the amendment was adopted.

Delegate Sandoz moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 17. Code of Elections

Section 17. The legislature shall provide for a code of elections.

Read.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 26 through 28, both inclusive in their entirety.

On motion of Delegate A. Jackson the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate A. Jackson, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate A. Jackson, chairman of the Committee on Bill of Rights and Elections, sent up the following notice:

The Committee on Bill of Rights and Elections will meet on Thursday, October 11, 1973 at 9:00 o'clock A.M., in Committee Room 205 and will consider the following agenda:

AGENDA

Delegate Proposals.

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman of the Committee on
Bill of Rights and Elections

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Justice Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, October 10, 1973 immediately after adjournment on the Convention Floor and will consider the following agenda:

AGENDA

Final consideration of amendments to CP 3, Legislative Branch, adopted by the committee on Sunday, October 7, 1973, and submission of the document to the Committee on Legislative Powers and Functions.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman of the Committee on Style and Drafting

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The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Pugh—1 day.
Delegate Jack—1 day.
Delegate D'Gerolamo—8 days.
Delegate Giarrusso—1 day.
Delegate Stinson—1 day.
Delegate McDaniel—2 days.
Delegate Rachal—5 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, October 10, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, October 10, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SIXTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, October 10, 1973, Baton Rouge, La.

The Convention was called to order at 10:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Pugh
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bel	Hardee	Roy
Bergeron	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Brown	Jack	Slay
Burns	Jackson, A.	Smith
Burson	Jackson, J.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Sutherland
Chehardy	Lambert	Tapper
Comar	Landrum	Tate
Conino	Landry, A.	Thistlethwaite
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
De Blieux	Leigh	Toomy
Dennery	Leithman	Ullo
Dennis	Lennox	Velazquez
Derbes	Lowe	Vesich
Deshotels	Martin	Vick
Dunlap	Mauberret	Warren
Duval	Miller	Wattigny
Elkins	Mire	Willis
Fayard	Munson	Winchester
Flory	Newton	Wisham
Fontenot	Nunez	Zervigon
Total—120.		

ABSENT

Delegates—		
Berry	Kean	Segura
D'Gerolamo	McDaniel	Wall
Drew	Ourso	Weiss
Edwards	Rachal	Womack
Total—12.		

The Chairman announced that there were 120 members
present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Mire led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Shannon, the reading of the Journal
was dispensed with.

On motion of Delegate Shannon, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate A. Jackson, Chairman, Committee
on Bill of Rights and Elections (Substitute for Committee
Proposal No. 20, by Delegate A. Jackson, Chairman on behalf
of the Committee on Bill of Rights and Elections, and Dele-
gates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick,
Wall and Weiss):

A PROPOSAL

Making general provisions for elections.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 33, when it adjourned
on Tuesday, October 9, 1973, which was taken up and acted
upon as follows:

Motion

On motion of Delegate A. Jackson, the Convention altered
the Order of Business to take up Committee Proposal No.
33, Section 11 at this time.

Section 11. Registrars of Voters

Section 11. The governing authority of each parish shall
appoint a parish registrar of voters who shall provide such
bond and receive such compensation as may be determined
by law. No person shall serve as registrar of voters while
a qualified candidate for any elective office.

Read.

Delegate Kelly sent up a floor amendment, which was read
as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly, Ginn, Roemer,
Gravel, Reeves and Juneau to Committee Proposal No. 33 by
Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 30 through 32, both inclusive, in
their entirety and on page 3, delete lines 1 and 2 in their
entirety and insert in lieu thereof the following:

"Section 11. Subject to and not inconsistent with the
provisions of this constitution, the governing authority of
each parish shall appoint a parish registrar of voters,
whose compensation, removal from office, bond, powers, and
functions shall be provided for in the election code. Upon
qualifying as a candidate for public office, the registrar
of voters shall forfeit his office. No law shall provide for
the removal from office of a registrar by the appointing
governing authority."

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On motion of Delegate Kelly the amendment was withdrawn.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kelly, Ginn, Roemer, Gravel, Reeves and Juneau to Committee Proposal No. 33 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 30 through 32, both inclusive, in their entirety and on page 3, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"Section 11. Subject to and not inconsistent with the provisions of this constitution, the governing authority of each parish shall appoint a parish registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for public office, the registrar of voters shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing governing authority."

Delegate Kelly moved the adoption of the amendment.

Delegate Gravel objected.

By a vote of 64 yeas and 38 nays the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Cannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Cannon to Committee Proposal No. 33 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Convention Floor Amendment No. 1 proposed by Mr. Kelly, et al., and adopted the Convention on October 10, 1973, strike out lines 8 and 9 of the language added thereby and insert in lieu thereof the following:

"The registrar may be removed from office, for cause, only by the governing authority of the parish."

Delegate Cannon moved the adoption of the amendment.

Delegate Kelly objected.

By a vote of 41 yeas and 59 nays the amendment was rejected.

Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 33, Section 11, was read, as amended.

Delegate Roy moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Avant	Bollinger
Aertker	Badeaux	Brien
Alexander	Bel	Brown
Anzalone	Bergeron	Carmouche
Arnette	Blair	Casey

Champagne
Chatelain
Chehardy
Comar
Conroy
Corne
Cowen
De Blieux
Dennerly
Dennis
Derbes
Dunlap
Duval
Elkins
Fayard
Flory
Fontenot
Fowler
Gauthier
Ginn
Goldman
Graham
Gravel
Guarisco
Hardee

Total—89.

Hayes
Jack
Jackson, A.
Juneau
Kelly
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leithman
Miller
Mire
Munson
Newton
O'Neill
Perez
Perkins
Planchard
Pugh
Rayburn
Reeves
Riecke

Robinson
Roemer
Roy
Sandoz
Schmitt
Shannon
Singletary
Slay
Soniat
Stagg
Stephenson
Stovall
Sutherland
Tate
Thistlethwaite
Tobias
Toca
Ullo
Velazquez
Vick
Warren
Wattigny
Wisham
Zervigon

NAYS

Delegates—

Abraham
Asseff
Burns
Burson
Cannon
Conino
Deshotels
Fulco

Total—24.

Giarrusso
Grier
Heine
Hernandez
Kilbourne
Leigh
Lennox
Lowe

Martin
Mauberret
Nunez
Smith
Stinson
Toomy
Willis
Winchester

NOT VOTING

Delegates—

Alario
Berry
D'Gerolamo
Drew
Edwards
Haynes
Jackson, J.

Total—19.

Jenkins
Kean
McDaniel
Ourso
Rachal
Segura

Tapper
Thompson
Vesich
Wall
Weiss
Wornack

And the Chair declared that the above Section was passed.

Delegate A. Jackson moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Avant, Riecke, Carmouche, Jenkins, Vick and Bollinger to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, add the following:

"Section 18. Prohibited Use of Public Funds

Section 18. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, nor appropriated to any candidate or political organization. However, this provision shall not prohibit the dissemination of factual information relative to any proposition appearing on an election ballot."

Delegate Avant moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—		
Abraham	Goldman	Riecke
Alexander	Guarisco	Robinson
Anzalone	Hardee	Roemer
Arnette	Hernandez	Roy
Avant	Jenkins	Shannon
Bel	Juneau	Singletary
Bergeron	Kilbourne	Smith
Bollinger	Kilpatrick	Stagg
Brown	Lambert	Stephenson
Burns	Landrum	Stinson
Carmouche	Landry, E. J.	Stovall
Casey	LeBleu	Sutherland
Chehardy	Leigh	Tapper
Comar	Lennox	Thompson
Dunlap	Mauberrret	Uilo
Duval	Miller	Velazquez
Elkins	Munson	Vesich
Flory	Nunez	Vick
Fontenot	O'Neill	Warren
Fowler	Planchar	Wattigny
Fulco	Pugh	Winchester
Giarrusso	Reeves	Wisham
Ginn		
Total—67.		

NAYS

Delegates—		
Aertker	Dennis	Lowe
Alario	Derbes	Martin
Asseff	Deshotels	Mire
Badeaux	Gauthier	Newton
Blair	Graham	Perez
Brien	Gravel	Sandoz
Bruson	Grier	Schmitt
Cannon	Hayes	Soniat
Chatelain	Heine	Tate
Conino	Jack	Thistlethwaite
Conroy	Jackson, A.	Tobias
Corne	Jackson, J.	Toca
Cowen	Landry, A.	Toomy
De Blieux	Lanier	Willis
Dennery	Leithman	Zervigon
Total—45.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Rayburn
Berry	Kean	Segura
Champagne	Kelly	Slay
D'Gerolamo	McDaniel	Wall
Drew	Ourso	Weiss
Edwards	Perkins	Womack
Fayard	Rachal	
Total—20.		

The amendment having received a majority vote of the total membership of the Convention, necessary to pass a Section to a Proposal, was passed.

Delegate Avant moved to reconsider the vote by which the amendment was adopted and lay the motion to reconsider on the table.

Delegate Chatelain objected to tabling the motion to reconsider.

By a vote of 68 yeas and 35 nays and the motion to reconsider was tabled.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Juneau to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, in Floor Amendment No. 1 proposed by

Delegate Avant, et al., adopted by the Convention on October 10, 1973, on line 6 of said amendment, after the words "shall not prohibit" and before the words "the dissemination" insert the words "the use of public funds for"

Delegate Juneau moved the adoption of the amendment.

Delegate Stinson objected.

By a vote of 91 yeas and 3 nays the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 28, in Floor Amendment No. 1 proposed by Delegate Avant, et al. and adopted by the convention on October 10, 1973, at the end of line 8 of said amendment after the word and punctuation "ballot" add the following sentence:

"Any elector shall have standing to contest an expenditure of funds prohibited by this Section."

On motion of Delegate Derbes the amendment was withdrawn.

Delegate Derbes moved the adoption of the amendment.

Delegate Avant objected.

By a vote of 38 yeas and 50 nays the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 33, Section 18, was read, as amended.

Delegate Avant moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Pugh
Abraham	Ginn	Rayburn
Alario	Goldman	Reeves
Alexander	Graham	Riecke
Anzalone	Gravel	Robinson
Arnette	Guarisco	Roemer
Avant	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Hernandez	Schmitt
Bollinger	Jack	Shannon
Brien	Jackson, J.	Singletary
Brown	Jenkins	Smith
Burns	Juneau	Stagg
Burson	Kilbourne	Stephenson
Cannon	Kilpatrick	Stinson
Carmouche	Landrum	Stovall
Casey	Landry, E. J.	Sutherland
Chehardy	Lanier	Tapper
Comar	LeBleu	Thistlethwaite
Conino	Leigh	Thompson
Conroy	Leithman	Uilo
Dennis	Lennox	Velazquez
Deshotels	Mauberrret	Vesich
Dunlap	Miller	Vick
Duval	Munson	Warren
Elkins	Nunez	Wattigny
Flory	O'Neill	Winchester
Fontenot	Perez	Wisham
Fulco	Planchar	Zervigon
Total—87.		

NAYS

Delegates—

Aertker	Fayard	Newton
Asseff	Gauthier	Slay
Badeaux	Grier	Soniat
Chatelain	Heine	Tate
Corne	Jackson, A.	Tobias
Cowen	Landry, A.	Toca
De Blieux	Lowe	Toomy
Dennery	Martin	Willis
Derbes	Mire	
Total—26.		

NOT VOTING

Delegates—

Berry	Haynes	Perkins
Blair	Kean	Rachal
Champagne	Kelly	Segura
D'Gerloamo	Lambert	Wall
Drew	McDaniel	Weiss
Edwards	Ourso	Womack
Fowler		
Total—19.		

And the Chair declared that the above Section was passed.

Delegate Avant moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, add the following:

"Section 19. Citizenship

Section 19. A person who is not a citizen of the United States shall not be a citizen of this state."

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 33 by Delegate Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, add the following:

"Section 19. Citizenship

Section 19. A person who is not a native born or naturalized citizen of the United States shall not be a citizen of this state."

Delegate Conroy moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Bollinger	Corne
Arnette	Cannon	Cowen
Badeaux	Chatelain	Duval
Bel	Comar	Elkins
Bergeron	Conroy	Fontenot

Fulco	LeBleu	Roemer
Gauthier	Leigh	Schmitt
Graham	Leithman	Smith
Grier	Lowe	Stagg
Hardee	Martin	Thompson
Hayes	Mire	Tobias
Hernandez	Newton	Toomy
Jenkins	Nunez	Ullo
Juneau	O'Neill	Velazquez
Kilbourne	Perez	Warren
Landry, A.	Reeves	Wattigny
Landry, E. J.	Riecke	Zervigon
Lanier	Robinson	

Total—53.

NAYS

Delegates—

Abraham	Fayard	Pugh
Aertker	Flory	Rayburn
Alexander	Fowler	Roy
Anzalone	Giarrusso	Sandoz
Asseff	Ginn	Shannon
Avant	Goldman	Singletary
Blair	Gravel	Slay
Brien	Guarisco	Soniat
Brown	Heine	Stephenson
Burns	Jack	Stovall
Burson	Jackson, A.	Sutherland
Carmouche	Jackson, J.	Tapper
Casey	Kilpatrick	Tate
Chehardy	Landrum	Thistlethwaite
Conino	Lennox	Toca
De Blieux	Maubernet	Vesich
Dennery	Miller	Vick
Dennis	Munson	Willis
Deshotels	Perkins	Winchester
Dunlap	Planchard	Wisham
Total—60.		

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Rachal
Berry	Kean	Segura
Champagne	Kelly	Stinson
D'Gerolamo	Lambert	Wall
Derbes	McDaniel	Weiss
Drew	Ourso	Womack
Edwards		

Total—19.

The amendment not having received a majority vote of the membership of the Convention, necessary to pass a Section to a Proposal, failed to pass.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 33 by Delegate A. Jackson, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, add the following:

"Section 19. Change of Domicile or Residence

Section 19. Whenever any elected public official changes his domicile or residence from that required by this constitution as a qualification for election to the office, such office shall thereby be vacated."

Delegate Conroy moved the adoption of the amendment.

Delegate Gravel objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Bollinger	Comar
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Conroy	Hernandez	Stagg
Dennerly	Jenkins	Stinson
Dennis	Leigh	Stovall
Dunlap	Newton	Sutherland
Fontenot	O'Neill	Thompson
Fulco	Roemer	Tobias
Gauthier	Schmitt	Velazquez
Grier	Singletary	Warren
Hardee	Smith	

Total—29.

NAYS

Delegates—	Fowler	Perez
Aertker	Giarrusso	Perkins
Alario	Goldman	Planchard
Alexander	Graham	Pugh
Anzalone	Gravel	Rayburn
Arnette	Guarisco	Reeves
Asseff	Hayes	Riecke
Avant	Haynes	Robinson
Badeaux	Heine	Roy
Bel	Jack	Sandoz
Bergeron	Jackson, A.	Shannon
Blair	Jackson, J.	Slay
Brien	Kilbourne	Soniat
Brown	Kilpatrick	Stephenson
Burson	Landrum	Tapper
Cannon	Landry, A.	Tate
Carmouche	Landry, E. J.	Thistlethwaite
Casey	Lanier	Toca
Chatelain	LeBleu	Toomy
Chehardy	Leithman	Ullo
Conino	Lennox	Vesich
Corne	Lowe	Vick
Cowen	Martin	Wattigny
De Blieux	Mauberret	Willis
Deshotels	Miller	Winchester
Duval	Mire	Wisham
Elkins	Munson	Zervigon
Fayard	Nunez	
Flory		

Total—83.

NOT VOTING

Delegates—	Edwards	Ourso
Mr. Chairman	Ginn	Rachal
Berry	Juneau	Segura
Burns	Kean	Wall
Champagne	Kelly	Weiss
D'Gerolamo	Lambert	Womack
Derbes	McDaniel	
Drew		

Total—20.

The amendment not having received a majority vote of a majority of the total memberships of the Convention, necessary to pass a Section to a Proposal, failed to pass.

Delegate Tapper moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate J. Jackson moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Asseff	Brien
Mr. Chairman	Avant	Brown
Abraham	Badeaux	Burson
Aertker	Bel	Cannon
Alario	Bergeron	Carmouche
Alexander	Blair	Casey
Anzalone	Bollinger	Chatelain
Arnette		

Chehardy	Jackson, A.	Roemer
Comar	Jackson, J.	Roy
Conino	Jenkins	Sandoz
Conroy	Juneau	Schmitt
Corne	Kilbourne	Shannon
Cowen	Kilpatrick	Singletary
De Blieux	Lambert	Slay
Dennerly	Landrum	Smith
Dennis	Landry, A.	Soniat
Deshotels	Landry, E. J.	Stagg
Dunlap	Lanier	Stephenson
Duval	LeBleu	Stinson
Elkins	Leigh	Stovall
Fayard	Leithman	Sutherland
Flory	Lennox	Tapper
Fontenot	Lowe	Tate
Fowler	Martin	Thistlethwaite
Fulco	Mauberret	Thompson
Gauthier	Miller	Tobias
Giarrusso	Mire	Toca
Ginn	Munson	Toomy
Goldman	Newton	Ullo
Graham	Nunez	Velazquez
Gravel	O'Neill	Vesich
Grier	Perez	Vick
Guarisco	Perkins	Warren
Hardee	Planchard	Wattigny
Hayes	Pugh	Willis
Haynes	Rayburn	Winchester
Heine	Reeves	Wisham
Hernandez	Riecke	Zervigon
Jack	Robinson	

Total—116.

NAYS

Delegates—
Total—0.

NOT VOTING

Delegates—	Edwards	Rachal
Berry	Kean	Segura
Burns	Kelly	Wall
Champagne	McDaniel	Weiss
D'Gerolamo	Ourso	Womack
Derbes		
Drew		

Total—16.

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Blair the rules were suspended in order to call a meeting of the Committee on Legislative Powers and Functions without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Blair, chairman of the Committee on Legislative Powers & Functions, sent up the following notice:

The Committee on Legislative Powers & Functions will meet on Thursday, October 11, 1973, at 10:00 o'clock A.M. in Committee Room No. 5 and will consider the following agenda:

AGENDA

To consider the recommendations of the Committee on Style and Drafting to CP 3.

Respectfully submitted,

CECIL BLAIR,
Chairman of the Committee on
Legislative Powers & Functions

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

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Motion

On motion of Delegate Lambert the rules were suspended in order to call a meeting of the Committee on Natural Resources without giving the required 24 hours notice.

Delegate Lambert, chairman of the Committee on Natural Resources, sent up the following notice:

The Committee on Natural Resources will meet on Thursday, October 11, 1973, at 9:00 o'clock A.M. in Committee Room No. 4 and will consider the following agenda:

AGENDA

To continue consideration of the Committee's Proposal.

Respectfully submitted,

LOUIS LAMBERT,
Chairman of the Committee on
Natural Resources

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Vesich— $\frac{1}{2}$ day.
Delegate Kean—1 day.
Delegate Champagne— $\frac{1}{2}$ day.
e Dennis— $1\frac{1}{2}$ days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, October 11, 1973, at 10:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, October 11, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SIXTY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, October 11, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Ginn	Planchard
Abraham	Goldman	Pugh
Aertker	Graham	Rachal
Alario	Gravel	Rayburn
Anzalone	Grier	Reeves
Arnette	Guarisco	Riecke
Asseff	Hardee	Robinson
Avant	Hayes	Roemer
Badeaux	Haynes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Blair	Jack	Shannon
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniati
Burson	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leithman	Toomy
De Blieux	Lennox	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Dunlap	Mauberret	Warren
Duval	Miller	Wattigny
Edwards	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fulco	Ourso	Zervigon
Gauthier	Perez	
Giarrusso	Perkins	
Total—121.		

ABSENT

Delegates—		
Alexander	Dennery	Roy
Berry	Drew	Thistlethwaite
Cannon	Fowler	Wall
D'Gerolamo	Leigh	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Champagne.

Pledge of Allegiance

Delegate Hardee led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Ullo, the reading of the Journal was
dispensed with.

On motion of Delegate Ullo, the Journal of yesterday was
adopted.

Regular Order

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

Motion

On motion of Delegate Abraham, the Convention altered the
Order of Business to take up Committee Proposal No. 23 out
of its Regular Order at this time.

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the
Committee on Executive Department, and Delegates Abra-
ham, Arnette, Brien, Dennery, Gravel, Stovall and Tapper:

A PROPOSAL

Prohibiting dual employment and dual officeholding in state
and local government.

Read.

**Article , Section Dual Employment and Dual Of-
ficeholding**

Section (A) Except as otherwise provided in this
Section, no person holding, under the government of this
state or any of its political subdivisions, any office or employ-
ment of trust or any office or employment which entitles him
to any per diem, salary, or other emolument of office shall at
the same time hold any other such office or employment
with the United States, any foreign power, or any other
state; nor shall any such person hold more than one such
office or employment with this state or any of its political
subdivisions.

(B) For purposes of this Section, the following shall not
be considered to be offices or employment described in Para-
graph (A) of this Section: (1) ex officio positions; (2) notaries
public; (3) those serving on boards, commissions, and other
instrumentalities performing solely policy-making or advisory
functions; (4) delegates to, as well as officials and employees
of, any constitutional convention; (5) members in the reserve
of the armed forces and the national guard; and (6) election
commissioners.

(C) Nothing in this Section shall prevent teachers in the
public education system of the state from holding elective
public office except that a teacher shall be prohibited from
serving as a member of the parish or municipal school board
of which he is an employee.

(D) Upon a determination made by the board of ethics,
after a public hearing and under such procedures as may
be provided by statute, that the public interest is not ad-
versely affected, exceptions from this Section may be per-
mitted.

Read.

Delegate Anzalone sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone, Tobias, and
Gauthier to Committee Proposal No. 23 by Delegate Stagg,
et al.

Amend reprinted as engrossed proposal as follows:

PAGE 2

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AMENDMENT No. 1—

On page 1, delete lines 12 through 32, both inclusive, in their entirety and on page 2 delete lines 1 through 8, both inclusive in their entirety and insert in lieu thereof the following:

"Section ----. (A) The legislature shall enact laws defining and regulating dual employment and dual officeholding in state and local government."

On motion of Delegate Anzalone the amendment was withdrawn.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone, Tobias, and Gauthier to Committee Proposal No. 23 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 12 through 32, both inclusive, in their entirety and on page 2 delete lines 1 through 8, both inclusive in their entirety and insert in lieu thereof the following:

"Section ----. (A) The legislature shall enact laws defining and regulating dual employment and defining, regulating and prohibiting dual officeholding in state and local government."

Delegate Anzalone moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Pugh
Anzalone	Goldman	Rayburn
Avant	Grier	Reeves
Badeaux	Hayes	Riecke
Bel	Haynes	Robinson
Bergeron	Heine	Roemer
Blair	Jackson, A.	Sandoz
Bollinger	Jackson, J.	Segura
Brown	Juneau	Shannon
Burns	Kean	Singletary
Burson	Kelly	Soniat
Carmouche	Kilbourne	Stovall
Casey	Kilpatrick	Sutherland
Champagne	Lambert	Tate
Chatelain	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	Leithman	Ullo
De Blieux	Martin	Vesich
Dennis	Mauberret	Vick
Derbes	Miller	Wattigny
Deshotels	Mire	Willis
Duval	Munson	Wisham
Edwards	Newton	Womack
Elkins	Nunez	Zervigon
Flory	O'Neill	
Fontenot		
Total—86.		

NAYS

Delegates—	Conroy	Gravel
Abraham	Dunlap	Guarisco
Arnette	Fulco	Hardee
Asseff	Graham	Hernandez
Brien		

Jack
Jenkins
LeBleu
Lennox
McDaniel
Rachal
Total—29.

Schmitt
Slay
Smith
Stagg
Stephenson
Stinson

Tapper
Velazquez
Warren
Weiss
Winchester

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Berry
Cannon
Chehardy
D'Gerolamo
Total—17.

Dennery
Drew
Fayard
Fowler
Leigh
Lowe

Ourso
Perez
Roy
Thistlethwaite
Wall

And the amendment was adopted.

Delegate Anzalone moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Casey to Committee Proposal No. 23 by Delegate Stagg, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 6 and 7 in their entirety and insert in lieu thereof the following:

"Defining and regulating dual employment and defining, regulating and prohibiting dual officeholding in state and local government."

On motion of Delegate Casey the amendment was adopted.

Delegate Casey moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 23, Section ----, was read, as amended.

Delegate Anzalone moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	Mire
Mr. Chairman	Fontenot	Munson
Alario	Fulco	Newton
Anzalone	Gauthier	Nunez
Arnette	Giarrusso	O'Neill
Avant	Ginn	Perkins
Badeaux	Goldman	Planchard
Bel	Graham	Pugh
Bergeron	Gravel	Rachal
Blair	Grier	Rayburn
Bollinger	Hardee	Reeves
Brown	Hayes	Riecke
Burns	Haynes	Robinson
Burson	Jackson, A.	Roemer
Carmouche	Jackson, J.	Sandoz
Casey	Juneau	Schmitt
Champagne	Kean	Segura
Chatelain	Kelly	Shannon
Chehardy	Kilbourne	Singletary
Comar	Kilpatrick	Slay
Conino	Lambert	Smith
Conroy	Landrum	Soniat
Corne	Landry, A.	Stephenson
Cowen	Landry, E. J.	Stovall
De Blieux	Lanier	Sutherland
Dennis	LeBleu	Tapper
Derbes	Leithman	Tate
Deshotels	McDaniel	Thompson
Dunlap	Martin	Tobias
Duval	Mauberret	Toca
Edwards	Miller	Toomy
Elkins		

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Ullo	Weiss	Wisham
Vesich	Willis	Womack
Vick	Winchester	Zervigon
Wattigny		
Total—103.		

NAYS

Delegates—		
Abraham	Jack	Stinson
Asseff	Jenkins	Velazquez
Brien	Lennox	Warren
Hernandez	Stagg	
Total—11.		

NOT VOTING

Delegates—		
Aertker	Drew	Lowe
Alexander	Fayard	Ourso
Berry	Fowler	Perez
Cannon	Guarisco	Roy
D'Gerolamo	Heine	Thistlethwaite
Dennery	Leigh	Wall
Total—18.		

And the Chair declared that the above Section was passed.

Delegate Anzalone moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

The Proposal was read as amended.

Delegate Abraham moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gauthier	Planchard
Alario	Giarrusso	Pugh
Anzalone	Ginn	Rachal
Arnette	Goldman	Rayburn
Avant	Graham	Reeves
Badeaux	Gravel	Riecke
Bel	Grier	Roemer
Bergeron	Guarisco	Sandoz
Blair	Hardee	Schmitt
Bollinger	Hayes	Segura
Brown	Haynes	Shannon
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Carmouche	Juneau	Smith
Casey	Kean	Soniat
Champagne	Kelly	Stephenson
Chatelain	Kilbourne	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Tate
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Tobias
Cowen	Lanier	Toca
De Blieux	LeBleu	Toomy
Dennis	Leithman	Ullo
Derbes	McDaniel	Velazquez
Deshotels	Martin	Vesich
Dunlap	Mauberret	Vick
Duval	Miller	Wattigny
Edwards	Mire	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fulco	Perkins	Zervigon
Total—105.		

NAYS

Delegates—		
Abraham	Asseff	Brien

Hernandez	Lennox	Warren
Jack	Stagg	
Jenkins	Stinson	
Total—10.		

NOT VOTING

Delegates—		
Aertker	Drew	Perez
Alexander	Fowler	Robinson
Berry	Heine	Roy
Cannon	Leigh	Thistlethwaite
D'Gerolamo	Lowe	Wall
Dennery	Ourso	
Total—17.		

And the Chair declared that the above Proposal was finally passed.

Delegate Avant moved that the Convention take up other Orders of Business at this time.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Grier	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bel	Hernandez	Sandoz
Blair	Jenkins	Segura
Brien	Juneau	Singletary
Burns	Kelly	Slay
Burson	Kilbourne	Soniat
Carmouche	Kilpatrick	Stephenson
Casey	Lambert	Stovall
Chatelain	Landrum	Tapper
Comar	Landry, E. J.	Tate
Conroy	Leithman	Thompson
Corne	Lennox	Tobias
Cowen	Martin	Toca
Derbes	Mauberret	Toomy
Deshotels	Munson	Ullo
Dunlap	Planchard	Vesich
Edwards	Pugh	Vick
Flory	Rachal	Wattigny
Gauthier	Rayburn	Winchester
Giarrusso	Reeves	Womack
Graham		
Total—67.		

NAYS

Delegates—		
Abraham	Ginn	O'Neill
Anzalone	Goldman	Perkins
Arnette	Guarisco	Schmitt
Asseff	Haynes	Shannon
Bergeron	Jack	Smith
Bollinger	Jackson, A.	Stagg
Brown	Jackson, J.	Stinson
Champagne	Kean	Sutherland
Conino	Landry, A.	Velazquez
De Blieux	Lanier	Warren
Dennis	McDaniel	Weiss
Duval	Miller	Willis
Fontenot	Newton	Zervigon
Fulco	Nunez	
Total—41.		

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Lowe
Aertker	Elkins	Mire
Alexander	Fayard	Ourso
Berry	Fowler	Perez
Cannon	Gravel	Roy
Chehardy	Heine	Thistlethwaite
D'Gerolamo	LeBleu	Wall
Dennery	Leigh	Wisham
Total—24.		

And the Convention took up other Orders of Business at this time.

Committee Proposals

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

October 11, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 33—

Introduced by Delegate A. Jackson, Chairman, Committee on Bill of Rights and Elections (Substitute for Committee Proposal No. 20, by Delegate A. Jackson, Chairman on behalf of the Committee on Bill of Rights and Elections, and Delegates Dunlap, Guarisco, Jenkins, Roy, Soniat, Stinson, Vick, Wall and Weiss)

A PROPOSAL

Making general provisions for elections.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE X. ELECTIONS

Section 2. Election Code; Right to Vote

Section 2. Subject to and not inconsistent with the provisions of this constitution, the legislature shall adopt an election code which shall provide for the permanent registration of voters and for the conduct of all elections; except as otherwise provided in this constitution, the right to vote in elections is guaranteed to all citizens of this state.

Section 3. Secret Ballot

Section 3. In all elections by the people, voting shall be by secret ballot, and the legislature shall provide a method for absentee voting. Proxy voting shall be prohibited. All ballots cast shall be counted publicly and preserved inviolate as provided by law until any election contests have been settled.

In all elections by persons in a representative capacity, the vote shall be viva-voce.

Section 6. Privilege from Arrest

Section 6. Every qualified elector shall be privileged from arrest in going to and returning from voting and while exercising the right to vote in all cases, except felony or breach of the peace.

Section 11. Registrars of Voters

Section 11. Subject to and not inconsistent with the provisions of this constitution, the governing authority of each parish shall appoint a parish registrar of voters, whose compensation, removal from office for cause, bond, powers, and functions shall be provided by law. Upon qualifying as a candidate for public office, the registrar of voters shall forfeit his office. No law shall provide for the removal from office of a registrar by the appointing governing authority.

Section 18. Prohibited Use of Public Funds

Section 18. No public funds shall be used to urge any elector to vote for or against any candidate or proposition, nor appropriated to any candidate or political organization. However, this provision shall not prohibit the use of public funds for the dissemination of factual information relative to any proposition appearing on an election ballot.

Respectfully submitted,

For the Secretary,

DAVID R. POYNTER,
Chief Clerk.

Under the Rules, referred to the Committee on Style and Drafting.

Motion

On motion of Delegate Blair the rules were suspended in order to allow the Committee on Legislative Powers and Functions five additional days to consider the recommendations of the Committee on Style and Drafting to Committee Proposal No. 3.

Motion

On motion of Delegate Tate the rules were suspended in order to call a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Friday, October 12, 1973, at 9:00 o'clock A.M. in Room No. 206 and will consider the following agenda:

AGENDA

Consideration of CP 4, Executive Dept.

Respectfully submitted,
ALBERT TATE,

Chairman of the Committee on
Style and Drafting.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Adjournment

Delegate Blair moved that the Convention adjourn until Wednesday, October 17, 1973, at 1:00 o'clock P.M.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Hernandez	Roemer
Badeaux	Jenkins	Sandoz
Bel	Kilbourne	Segura
Blair	Lambert	Singletary
Burns	Landrum	Slay
Carmouche	Landry, E. J.	Smith
Casey	Leithman	Stephenson
Comar	Lennox	Stinson
Conino	Lowe	Sutherland
Corne	McDaniel	Tapper
Cowen	Maubert	Thompson
Derbes	Nunez	Toca
Fontenot	Perkins	Toomy
Fulco	Rachal	Ullo
Gauthier	Rayburn	Weiss
Giarrusso	Reeves	Winchester
Hardee	Riecke	Wisham
Haynes	Robinson	Womack
Total—54.		

NAYS

Delegates—

Mr. Chairman	Bollinger	Conroy
Abraham	Brien	De Blieux
Arnette	Brown	Dennis
Asseff	Burson	Deshotels
Avant	Champagne	Edwards
Bergeron	Chatelain	Fayard

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Flory	Kean	Schmitt
Ginn	Kilpatrick	Shannon
Goldman	Landry, A.	Soniat
Graham	Lanier	Stagg
Grier	Martin	Stovall
Guarisco	Miller	Tate
Hayes	Mire	Tobias
Heine	Munson	Velazquez
Jack	Newton	Warren
Jackson, A.	O'Neill	Wattigny
Jackson, J.	Planchard	Willis
Juneau	Pugh	Zervigon
Total—54.		

NOT VOTING

Delegates—	Drew	Leigh
Aertker	Dunlap	Ourso
Alexander	Duval	Perez
Anzalone	Elkins	Roy
Berry	Fowler	Thistlethwaite
Cannon	Gravel	Vesich
Chehardy	Kelly	Vick
D'Gerolamo	LeBleu	Wall
Dennery		
Total—24.		

And the Convention refused to adjourn until Wednesday, October 17, 1973, at 1:00 o'clock P.M.

Leave of Absence

Delegate Thistlethwaite—1 day.

Motion

Delegate Stagg moved that the Convention do now adjourn until Wednesday, October 17, 1973 at 9:00 o'clock A.M.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Burns	Conroy
Mr. Chairman	Burson	Corne
Abraham	Casey	De Blieux
Avant	Champagne	Dennis
Bel	Conino	Derbes
Brien		

Edwards	Mauberret
Fayard	Mire
Flory	Munson
Graham	Newton
Gravel	O'Neill
Haynes	Perez
Jackson, A.	Planchard
Juneau	Pugh
Kean	Rachal
Kelly	Riecke
Kilpatrick	Robinson
Leithman	Sandoz
Lennox	Schmitt
Lowe	Segura
Martin	Singletary
Total—60.	

NAYS

Delegates—	Giarrusso	McDaniel
Alario	Ginn	Miller
Anzalone	Goldman	Nunez
Arnette	Grier	Perkins
Asseff	Guarisco	Rayburn
Badeaux	Hardee	Reeves
Bergeron	Hayes	Roemer
Blair	Heine	Shannon
Bollinger	Hernandez	Smith
Brown	Jack	Stephenson
Carmouche	Jackson, J.	Stinson
Chatelain	Jenkins	Sutherland
Comar	Kilbourne	Tapper
Cowen	Lambert	Tate
Deshotels	Landrum	Warren
Duval	Landry, A.	Weiss
Elkins	Landry, E. J.	Wisham
Fontenot	Lanier	Zervigon
Fulco		
Gauthier		
Total—55.		

NOT VOTING

Delegates—	Dennery	Ourso
Aertker	Drew	Roy
Alexander	Dunlap	Thistlethwaite
Berry	Fowler	Vesich
Cannon	LeBleu	Wall
Chehardy	Leigh	
D'Gerolamo		
Total—17.		

And the Convention adjourned until Wednesday, October 17, 1973, at 9:00 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Wednesday, October 17, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary
DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SIXTY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, October 17, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock A.M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Graham	Reeves
Arnette	Gravel	Riecke
Asseff	Grier	Robinson
Avant	Guaisico	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Singletary
Brown	Jackson, A.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Toomy
De Blieux	Leithman	Ullio
Dennerly	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Martin	Warren
Dunlap	Mauberret	Wattigny
Duval	Mire	Willis
Edwards	Munson	Winchester
Elkins	Newton	Wisham
Fayard	Nunez	Womack
Flory	O'Neill	Zervigon
Fontenot	Ourso	
Fowler	Perez	
Total—124.		

ABSENT

Delegates—		
Berry	Jackson, J.	Wall
D'Gerolamo	Miller	Weiss
Drew	Tate	
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burns.

Pledge of Allegiance

Delegate Graham led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Stovall, the reading of the Journal
was dispensed with.

On motion of Delegate Stovall, the Journal of yesterday
was adopted.

Regular Order

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

Motion

On motion of Delegate Rayburn, the Convention altered the
Order of Business to take up Committee Proposal No. 26 out
of its regular order at this time.

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Asses-
sors Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation
shall be listed on the assessment rolls at its assessed valua-
tion which shall be a percentage of its fair market value;
such percentage of fair market value shall be uniform
throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem
taxation and the percentage of fair market value applicable
to each such classification for the purpose of determining
assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land	5%
2. Improvements on residential property	10%
3. All other property	15%

(C) Assessors shall determine the fair market value of
all property subject to taxation within their respective par-
ishes and districts except public service properties which
shall be valued by the Louisiana Tax Commission. All prop-
erty subject to taxation shall be re-appraised at intervals of
not more than five years.

(D) The correctness of assessments by the assessor shall
be subject to review by the governing authority of the parish,
then by the Louisiana Tax Commission, and finally by the
courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, hor-
ticultural and timber lands will be assessed for the purpose
of taxation at a percentage of use value rather than fair
market value.

Read.

Delegate Mire sent up a floor amendment, which was read
as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Mire, Rayburn, Ed-
wards, Roemer, Alario, Goldman, Badeaux, Brown, Cham-
pagne, Chehardy, De Blieux, Lowe, Mauberret, Newton, Mc-
Daniel, Nunez, Planchard, Schmitt, Slay, Smith and Win-
chester to Committee Proposal No. 26 by Delegate Rayburn,
et al.

Amend reprinted as engrossed proposal as follows:

PAGE 2

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AMENDMENT No. 1—

On page 1, delete lines 23 and 24, in their entirety and insert in lieu thereof the following:

- "1. All land ----- 10%
2. Improvements for Residential Purposes ----- 10%

Delegate Mire moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Flory	Newton
Abraham	Fowler	Nunez
Aertker	Fulco	O'Neill
Alario	Gauthier	Perez
Alexander	Giarrusso	Planchard
Anzalone	Ginn	Pugh
Arnette	Goldman	Rachal
Asseff	Graham	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bel	Guarisco	Roemer
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Shannon
Brien	Heine	Singletary
Burns	Hernandez	Slay
Burson	Jack	Smith
Cannon	Jackson, A.	Stagg
Carmouche	Jenkins	Stephenson
Champagne	Juneau	Stovall
Chatelain	Kelly	Sutherland
Chehardy	Kilbourne	Thistlethwaite
Comar	Kilpatrick	Thompson
Conino	Landrum	Tobias
Conroy	Landry, A.	Toca
Corne	Landry, E. J.	Toomy
Cowen	Lanier	Uilo
De Blieux	LeBleu	Velazquez
Dennery	Leigh	Vick
Dennis	Leithman	Warren
Derbes	Lowe	Wattigny
Deshotels	McDaniel	Willis
Dunlap	Martin	Winchester
Duval	Mauberret	Wisham
Edwards	Mire	Womack
Elkins	Munson	

Total—107.

NAYS

Delegates—

Casey	Lennox	Soniat
Fontenot	Perkins	Stinson
Kean	Robinson	Zervigon

Total—9.

NOT VOTING

Delegates—

Berry	Lambert	Tapper
Brown	Miller	Tate
D'Gerolamo	Ourso	Vesich
Drew	Roy	Wall
Fayard	Segura	Weiss

Jackson, J.
Total—16.

And the amendment was adopted.

Delegate Mire moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate McDaniel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates McDaniel, Rayburn, Edwards, Roemer, Alario, Munson, Burson, Ginn, Badeaux, Brown, Champagne, Chehardy, De Blieux, Lowe, Mauberret, Newton, Nunez, Planchard, Schmitt, Slay, Smith, Winchester, Arnette, Avant, Bollinger, Burns, Carmouche, Conino, Conroy, Corne, Derbes, Deshotels, Dunlap, Elkins, Fontenot, Fowler, Fulco, Grier, Hardee, Jenkins, Juneau, Kelly, E. J. Landry, Lanier, Leithman, Lowe, Martin, Mire, Perkins, Planchard, Sandoz, Shannon, Stagg, Stinson, Stovall, Sutherland, Thistlethwaite, Thompson, Toca, Toomy, Uilo, Velazquez, Wattigny, Willis, Womack, Zervigon and Goldman to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 4, after the word "legislature" and before the word "provide" delete the word "may" and insert in lieu thereof the word "shall"

Delegate McDaniel moved the adoption of the amendment.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Fowler	O'Neill
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Alexander	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Robinson
Badeaux	Guarisco	Roemer
Bel	Hardee	Sandoz
Bergeron	Hayes	Schmitt
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kean	Stinson
Champagne	Kelly	Stovall
Chatelain	Kilbourne	Sutherland
Chehardy	Kilpatrick	Tapper
Comar	Landrum	Thistlethwaite
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	LeBleu	Toomy
De Blieux	Leigh	Uilo
Dennery	Leithman	Velazquez
Dennis	Lennox	Vick
Derbes	Lowe	Warren
Deshotels	McDaniel	Wattigny
Dunlap	Martin	Willis
Duval	Mauberret	Winchester
Edwards	Mire	Wisham
Elkins	Munson	Womack
Flory	Newton	Zervigon
Fontenot	Nunez	

Total—116.

NAYS

Delegate Pugh.

Total—1.

NOT VOTING

Delegates—

Berry	Jackson, J.	Segura
Brown	Lambert	Tate
D'Gerolamo	Miller	Vesich
Drew	Ourso	Wall
Fayard	Roy	Weiss

Total—15.

And the amendment was adopted.

Delegate McDaniel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 11 through 32, both inclusive, in their entirety and on page 2 delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Assessment of Property; Adjustment of Millages.

Section 1. (A) All property subject to ad valorem taxation shall be listed at its fair market value and assessed uniformly throughout the state at twenty percent of its fair market value, subject to the provisions hereof. The Legislature shall establish uniform criteria for determining fair market value provided, however, use shall be the basis for determining the fair market value for all land in bona fide use for agricultural, horticultural and timber purposes and also for land in incorporated municipalities.

(B) The total amount of taxes collected by any taxing authority in the state shall not be increased or decreased because of the method of assessing property at a uniform ratio of assessment to value as provided in paragraph (A) hereof, and it shall be the mandatory duty of all taxing authorities to adjust millages proportionate to adjustment in assessment values so as to produce the same total dollar amount of revenue. Such millage adjustments shall be made without regard to limitations contained elsewhere in this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increased property values due to economic conditions. Nothing contained herein shall be construed to diminish the security of outstanding bonds.

(C) Assessors shall list the fair market value and the assessed value of all property subject to taxation within their respective parishes and districts except public service properties which shall be determined by the Louisiana Tax Commission. Every parcel of property subject to taxation shall be re-appraised on the basis of its current fair market value at least once every five years, as provided by general law."

On motion of Delegate Kean the amendment was withdrawn.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kean to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 11 through 32, both inclusive, in their entirety and on page 2 delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Assessment of Property; Adjustment of Millages.

Section 1. (A) All property subject to ad valorem taxation shall be listed at its fair market value and assessed uniformly throughout the state at fifteen percent of its fair market value, subject to the provisions hereof. The Legislature shall establish uniform criteria for determining fair market value provided, however, use shall be the basis for determining the fair market value for all land in bona fide use for agricultural, horticultural and timber purposes and also for land in incorporated municipalities.

cultural, horticultural and timber purposes and also for land in incorporated municipalities.

(B) The total amount of taxes collected by any taxing authority in the state shall not be increased or decreased because of the method of assessing property at a uniform ratio of assessment to value as provided in paragraph (A) hereof, and it shall be the mandatory duty of all taxing authorities to adjust millages, proportionate to adjustment in assessment values so as to produce the same total dollar amount of revenue. Such millage adjustments shall be made without regard to limitations contained elsewhere in this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increased property values due to economic conditions. Nothing contained herein shall be construed to diminish the security of outstanding bonds.

(C) Assessors shall list the fair market value and the assessed value of all property subject to taxation within their respective parishes and districts except public service properties which shall be determined by the Louisiana Tax Commission. Every parcel of property subject to taxation shall be re-appraised on the basis of its current fair market value at least once every five years, as provided by general law."

Delegate Kean moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Derbes	Rachal
Bel	Fontenot	Robinson
Bergeron	Fulco	Sandoz
Bollinger	Gauthier	Schmitt
Burson	Giarrusso	Shannon
Cannon	Heine	Smith
Casey	Jack	Soniati
Champagne	Jenkins	Stagg
Chatelain	Juneau	Stinson
Conroy	Kean	Sutherland
De Blieux	Leigh	Thistlethwaite
Dennery	Lennox	Zervigon
Dennis	Perkins	
Total—38.		

NAYS

Delegates—

Abraham	Gravel	Perez
Alario	Grier	Planchard
Anzalone	Guarisco	Pugh
Arnette	Hardee	Rayburn
Asseff	Hayes	Reeves
Avant	Haynes	Riecke
Badeaux	Hernandez	Roemer
Blair	Jackson, A.	Singletary
Brien	Kelly	Slay
Brown	Kilbourne	Stephenson
Burns	Kilpatrick	Stovall
Carmouche	Lambert	Tapper
Chehardy	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
Deshotels	Leithman	Velazquez
Dunlap	Lowe	Vick
Duval	McDaniel	Warren
Elkins	Martin	Wattigny
Fayard	Maubert	Willis
Flory	Mire	Winchester
Fowler	Munson	Wisham
Ginn	Newton	Womack
Goldman	Nunez	
Graham	O'Neill	
Total—79.		

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NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Segura
Alexander	Jackson, J.	Tate
Berry	Miller	Vesich
D'Gerolamo	Ourso	Wall
Drew	Roy	Weiss
Total—15.		

And the amendment was rejected.

Delegate Alario moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Toomy, and under a suspension of the rules, the following Communication was ordered incorporated in the Official Journal.

October 6, 1973

Chairman, and Delegates of the 1973 Consitutional Convention
Fellow Delegates,

It is with great regrets that I will be unable to be with you during the week of October 8, at which time Committee Proposal No. 26 will come to the floor.

My feelings and the wishes of my constituents are very strong in favor of this proposal.

During my campaign for this Constitutional Convention, and every opportunity since then, I have carried to Baton Rouge the thoughts of the people of District 77. They and myself agree, that the guarantee of private homes against excessive taxation is the most important issue in this convention.

Home ownership is the basic principle of our society. Lets not destroy **home ownership** by giving taxing authorities the right to tax us out of our homes.

I want to thank all of you for your permission to allow me to express my thoughts along with the thoughts of my people during my absence.

Yours very truly,

EDWARD D'GEROLAMO

ED:dc

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) All ad valorem taxation shall be based on fair market value of the property. The legislature shall establish uniform procedures for determining fair market value and shall provide for considering use value in the valuation of bona fide agricultural, horticultural and timber lands."

Delegate De Blieux moved the adoption of the amendment.

Delegate Toca objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dennery	Stagg
Bollinger	Duval	Sutherland
Casey	Lowe	Zervigon
De Blieux	Schmitt	
Total—11.		

NAYS

Delegates—

Aertker	Fulco	Newton
Alario	Gauthier	Nunez
Alexander	Giarrusso	O'Neill
Anzalone	Ginn	Perez
Arnette	Goldman	Planchard
Asseff	Graham	Pugh
Avant	Gravel	Rachal
Badeaux	Grier	Rayburn
Bel	Guarisco	Reeves
Bergeron	Hardee	Riecke
Blair	Hayes	Robinson
Brien	Haynes	Roemer
Brown	Heine	Sandoz
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Cannon	Jackson, A.	Slay
Carmouche	Jenkins	Smith
Champagne	Juneau	Soniat
Chatelain	Kean	Stephenson
Chehardy	Kelly	Stinson
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Thompson
Conroy	Lambert	Tobias
Corne	Landrum	Toca
Cowen	Landry, A.	Toomy
Dennis	Landry, E. J.	Ullo
Derbes	Lanier	Velazquez
Deshotels	LeBleu	Vick
Dunlap	Leigh	Warren
Edwards	Leithman	Wattigny
Elkins	Lennox	Willis
Fayard	McDaniel	Winchester
Flory	Maubertret	Wisham
Fontenot	Mire	Womack
Fowler	Munson	
Total—104.		

NOT VOTING

Delegates—

Mr. Chairman	Miller	Tate
Berry	Ourso	Thistlethwaite
D'Gerolamo	Perkins	Vesich
Drew	Roy	Wall
Jackson, J.	Segura	Weiss
Martin	Stovall	
Total—17.		

And the amendment was rejected.

Delegate Chehardy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 11 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Assessment of Property; Classification; Assessors; Right of Taxpayer, Adjustment of Millages

Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its fair market value and assessed at a percentage of its fair market value.

Use shall be the basis for determining the fair market value for all land in bona fide use for agricultural, horticultural, and timber purposes. Zoning may be used as the basis for determining the value of all land in incorporated municipalities."

Delegate Schmitt moved the adoption of the amendment.

Delegate Mire objected.

By a vote of 15 yeas and 101 nays the amendment was rejected.

Delegate Mire moved to reconsider the vote by which the

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amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 25, both inclusive, in their entirety, including Convention Floor Amendment No. 1 proposed by Delegate Mire and adopted by the Convention on October 17, 1973, and insert in lieu thereof the following:

"(B) The classification and rate of taxation shall be uniform throughout the taxing district."

On motion of Delegate De Blieux the amendment was withdrawn.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 23 through 25, in their entirety including Convention Floor Amendment No. 1 proposed by Delegate Mire and adopted by the Convention on October 17, 1973, and insert in lieu thereof the following:

- | | |
|--|-----|
| "1. All land | 10% |
| 2. Improvements for Residential Purposes | 15% |
| 3. All other Property | 20% |

Delegate Lowe moved the adoption of the amendment.

Delegate Chehardy objected.

By a vote of 47 yeas and 69 nays the amendment was rejected.

Delegate Chehardy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 18 through 25, both inclusive, including Convention Floor Amendment No. 1 proposed by Delegate Mire, et al, and adopted by the Convention on October 17, 1973, in their entirety and insert in lieu thereof the following:

"(B) The classifications of property subject to ad valorem taxation for the purpose of determining assessed valuation are as follows:

- (1) Residential property
- (2) Commercial property
- (3) Industrial property
- (4) Agricultural, horticultural, and timberland property
- (5) All other property"

Delegate Schmitt moved the adoption of the amendment.

Delegate Chehardy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alexander
Cowen

Total—6.

De Blieux
Schmitt

Soniat
Wisham

NAYS

Delegates—

Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Bollinger
Brien
Brown
Burson
Cannon
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Dennery
Derbes
Deshotels
Dunlap
Duval
Edwards
Elkins
Flory
Fontenot
Fowler
Fulco
Gauthier

Total—106.

Giarrusso
Ginn
Goldman
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jenkins
Juneau
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
Leigh
Leithman
Lennox
Lowe
Martin
Mauberrret
Mire
Munson
Newton
Nunez
O'Neill

Perez
Perkins
Planchard
Pugh
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Sandoz
Shannon
Singletary
Slay
Smith
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Thistlethwaite
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vick
Warren
Wattigny
Willis
Winchester
Womack
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Berry
Burns
Carmouche
D'Gerolamo
Dennis
Drew

Total—20.

Fayard
Jackson, J.
Kean
LeBlau
McDaniel
Miller
Ourso

Roy
Segura
Tate
Vesich
Wall
Weiss

And the amendment was rejected.

Delegate Chehardy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Lennox, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Alphonse Jackson, Jr., chairman, on behalf of the Committee on Bill of Rights and Elections, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

October 11, 1973, Baton Rouge, La.

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To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Bill of Rights and Elections to submit the following report:

DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Reported without action

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Reported without action

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

Reported without action

DELEGATE PROPOSAL No. 81—

Introduced by Delegate Abraham:

A PROPOSAL

Making provision for open primary elections.

Reported without action

DELEGATE PROPOSAL No. 6—

Introduced by Delegate Weiss:

A PROPOSAL

Making general provisions for elections.

Reported without action

Respectfully submitted,

ALPHONSE JACKSON, JR.,
Chairman.

Committee Proposals

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

October 17, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 23—

Introduced by Delegate Stagg, Chairman, on behalf of the Committee on Executive Department, and Delegates Abraham, Arnette, Brien, Dennery, Gravel, Stovall, and Tapper:

A PROPOSAL

Defining and regulating dual employment and defining, regulating and prohibiting dual officeholding in state and local government.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

Article ---, Section ---. Dual Employment and Dual Officeholding

Section ----. (A) The legislature shall enact laws defining and regulating dual employment and defining, regulating and prohibiting dual officeholding in state and local government.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the rules, referred to the Committee on Style and Drafting.

Leaves of Absence

Delegate Tate—4 days.

Delegate Weiss—1 day.

Delegate Miller—1 day.

Delegate J. Jackson—2 days.

Delegate Roy—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, October 18, 1973 at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, October 18, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SIXTY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, October 18, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 A.M., by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Pugh
Alario	Ginn	Rachal
Alexander	Goldman	Rayburn
Anzalone	Graham	Reeves
Arnette	Gravel	Riecke
Asseff	Grier	Robinson
Avant	Guarisco	Roemer
Badeaux	Hardee	Roy
Bel	Hayes	Sandoz
Bergeron	Haynes	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Singletery
Brown	Jackson, A.	Slay
Burns	Jenkins	Smith
Burson	Juneau	Soniat
Cannon	Kean	Stagg
Carmouche	Kelly	Stephenson
Casey	Kilbourne	Stinson
Champagne	Kilpatrick	Stovall
Chatelain	Lambert	Sutherland
Chehardy	Landrum	Tapper
Comar	Landry, A.	Thistlethwaite
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Toomy
De Blieux	Leithman	Ullo
Dennery	Lennox	Velazquez
Dennis	Lowe	Vesich
Derbes	McDaniel	Vick
Deshotels	Martin	Wall
Drew	Mauberret	Warren
Dunlap	Mire	Wattigny
Duval	Munson	Weiss
Edwards	Newton	Willis
Elkins	Nunez	Winchester
Fayard	O'Neill	Wisham
Flory	Ourso	Womack
Fontenot	Perez	Zervigon
Fowler		
Total—127.		

ABSENT

Delegates—		
Berry	Jackson, J.	Tate
D'Gerolamo	Miller	
Total—5.		

The Chairman announced that there were 127 members present and a quorum.

Prayer

Prayer was offered by Delegate De Blieux.

Pledge of Allegiance

Delegate Conino led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Segura, the reading of the Journal was dispensed with.

On motion of Delegate Segura, the Journal of yesterday was adopted.

Morning Hour

**Petitions, Memorials and
Communications**

The following petitions, memorials and communications were received and read:

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

October 9, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

Miss Corinne Maybuce, Baton Rouge, as Delegate to the Constitutional Convention of 1973 (representing racial minorities), vice Dean Louis Berry, resigned.

Yours very truly,

EDWIN EDWARDS,
Governor of Louisiana.

Oath of Office

(Miss) Corinne Maybuce appeared before the bar of the Convention and took the following oaths of office administered by Honorable David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

"I (Corinne Maybuce) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Reports of Committees Lying Over

**Delegate and Committee
Proposals on Second Reading
Reported by Committees**

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

DELEGATE PROPOSAL No. 6—

Introduced by Delegate Weiss:

A PROPOSAL

Making general provisions for elections.

Read.

Reported without action by the Committee on Bill of Rights and Elections.

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On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 69—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the registration of voters.

Read.

Reported without action by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 70—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for the right to property.

Read.

Reported without action by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 73—

Introduced by Delegate Abraham:

A PROPOSAL

Making provisions for open primary elections.

Read.

Reported without action by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 81—

Introduced by Delegate Abraham:

A PROPOSAL

Making provision for open primary elections.

Read.

Reported without action by the Committee on Bill of Rights and Elections.

On motion of Delegate A. Jackson the Proposal was withdrawn from the files of the Convention.

Unfinished Business

The following unfinished business in which the House was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Maubert, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Motion

Delegate Perkins moved that Convention resolve itself into a Committee of the Whole until 12:00 o'clock noon for the purpose of hearing testimony from non-Delegates on Committee Proposal No. 26, and that each speaker be limited to

30 minutes, which shall be limited to 20 minutes for testimony and 10 minutes for questions.

Delegate Mire objected.

Motion

Delegate Duval moved that the time for debate on the motion to resolve into a Committee of the Whole be limited to 15 minutes.

Delegate Jack objected.

Delegate Alexander moved that the debate on the motion to resolve into a Committee of the Whole be limited to 15 minutes and that each speaker be limited to 1 minute each.

Delegate Jack objected.

By a vote of 75 yeas and 41 nays the Convention limited the debate on the motion to resolve into a Committee of the Whole and limited debate to 1 minute to each speaker.

As a substitute, Delegate Smith moved that the Convention resolve itself into a Committee of the Whole until 12:00 o'clock noon for the purpose of hearing from non-Delegate testimony on Committee Proposal No. 26 and that each speaker be limited to 30 minutes.

Delegate Mire objected.

Delegate Tapper moved the previous question on the substitute motion.

Delegate Jack objected.

By a vote of 69 yeas and 47 nays and the previous question was ordered.

The vote then recurred on the substitute motion.

By a vote of 32 yeas and 86 nays the substitute motion was rejected.

Delegate Perkins insisted upon the original motion.

Delegate Shannon moved to table the entire subject matter.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Slay
Avant	Goldman	Stephenson
Brien	Gravel	Thompson
Chehardy	Jackson, A.	Toca
Cowen	Martin	Wattigny
Dunlap	Mire	Willis
Edwards	Roy	Wisham
Flory	Segura	Womack
Fowler	Shannon	
Total—26.		

NAYS

Delegates—		
Abraham	Comar	Hardee
Aertker	Conino	Hayes
Alexander	Conroy	Heine
Anzalone	Corne	Hernandez
Arnette	De Blieux	Jack
Asseff	Dennery	Jenkins
Badeaux	Dennis	Juneau
Bel	Derbes	Kelly
Bergeron	Deshotels	Kilbourne
Blair	Drew	Kilpatrick
Bollinger	Duval	Landrum
Brown	Elkins	Landry, A.
Burns	Fontenot	Landry, E. J.
Burson	Fulco	Lanier
Carmouche	Gauthier	LeBieu
Casey	Giarrusso	Leigh
Champagne	Graham	Leithman
Chatelain	Grier	Lennox

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Lowe	Reeves	Tapper
McDaniel	Riecke	Thistlethwaite
Mauberet	Robinson	Tobias
Maybuce	Roemer	Toomy
Newton	Sandoz	Ullo
Nunez	Schmitt	Velazquez
O'Neill	Singletary	Vesich
Ourso	Smith	Vick
Perez	Soniat	Wall
Perkins	Stagg	Warren
Planchard	Stinson	Winchester
Rachal	Stovall	Zervigon
Rayburn	Sutherland	
Total—92.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Munson
Cannon	Jackson, J.	Pugh
D'Gerolamo	Kean	Tate
Fayard	Lambert	Weiss
Guarisco	Miller	
Total—14.		

And the Convention refused to table the entire subject matter.

As a further substitute Delegate Casey moved that Convention resolve itself into a Committee of the Whole for a period of 2 hours for the purpose of having testimony from non-Delegates on Committee Proposal No. 26, and that each speaker be limited to 30 minutes, which shall consist of 20 minutes for testimony and 10 minutes for questions.

Delegate Mire objected.

Delegate Smith moved the previous question on the entire subject matter.

Delegate Jack objected.

By a vote of 113 yeas and 13 nays the previous question was ordered.

The vote then recurred on the substitute motion of Delegate Casey.

By a vote of 87 yeas and 36 nays the Convention resolved itself into a Committee of the Whole for a period of 2 hours.

Committee of the Whole

Vice-Chairman Roy in the Chair

The Committee Rose

Convention Business Resumed

Proposals

Delegate and Committee, Resumed

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberet, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 1. Assessment of Property; Classification; Assessors Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value; such percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem

taxation and the percentage of fair market value applicable to each such classification for the purpose of determining assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land	5%
2. Improvements on residential property	10%
3. All other property	15%

(C) Assessors shall determine the fair market value of all property subject to taxation within their respective parishes and districts except public service properties which shall be valued by the Louisiana Tax Commission. All property subject to taxation shall be re-appraised at intervals of not more than five years.

(D) The correctness of assessments by the assessor shall be subject to review by the governing authority of the parish, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, horticultural and timber lands will be assessed for the purpose of taxation at a percentage of use value rather than fair market value.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 26, Section 1, when it adjourned on Wednesday, October 17, 1973, which was taken up and acted upon as follows:

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuations which shall be the percentages of its fair market value that are applicable to each taxing district in which the property lies; for each district in which the property lies, each percentage of fair market value shall be uniform throughout each district upon the same class of property.

(B) Percentages of fair market value and classifications of property shall be set by the local governing authority and may be changed by two-thirds favorable vote of that governing authority unless a home rule charter provides otherwise. Percentages of fair market value and classifications of property for multi-parish districts shall be set by the Louisiana Tax Commission. Percentages of fair market value for each classification shall not be less than ten percent nor more than twenty-five percent."

Delegate Arnette moved the adoption of the amendment.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Duval	Riecke
Alexander	Elkins	Robinson
Anzalone	Fontenot	Sandoz
Arnette	Giarrusso	Schmitt
Bel	Grier	Soniat
Bergeron	Heine	Stagg
Brien	Hernandez	Stinson
Burson	Juneau	Sutherland
Carmouche	Kean	Thistlethwaite
Casey	Lanier	Velazquez
Corne	LeBleu	Vick
De Blieux	Leigh	Warren
Dennerly	McDaniel	Zervigon
Derbes	Perez	
Drew	Perkins	
Total—43.		

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NAYS

Delegates—

Alario	Goldman	Rayburn
Asseff	Graham	Reeves
Avant	Hardee	Roy
Badeaux	Hayes	Segura
Blair	Jack	Singletary
Brown	Jenkins	Slay
Burns	Kelly	Smith
Cannon	Kilbourne	Stephenson
Champagne	Kilpatrick	Stovall
Chatelain	Landrum	Tapper
Comar	Landry, A.	Thompson
Conino	Landry, E. J.	Tobias
Conroy	Leithman	Toca
Cowen	Lennox	Toomy
Dennis	Lowe	Ullo
Dunlap	Martin	Vesich
Edwards	Mauberret	Wall
Fayard	Maybuce	Wattigny
Flory	Newton	Weiss
Fowler	Nunez	Willis
Fulco	O'Neill	Winchester
Gauthier	Planchard	Wisham
Ginn	Pugh	Womack

Total—69.

NOT VOTING

Delegates—

Mr. Chairman	D'Gerolamo	Haynes
Aertker	Deshotels	Jackson, A.
Bollinger	Gravel	Jackson, J.
Chehardy	Guarisco	Lambert

Miller
Mire
Munson

Ourso
Rachal
Roemer

Shannon
Tate

Total—20.

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Chatelain, the Convention altered the Order of Business to take up other Orders of Business at this time.

Leaves of Absence

Delegate Pugh— $\frac{1}{2}$ day.

Delegate Miller—3 days.

Adjournment

Delegate Chatelain moved that the Convention do now adjourn until Friday, October 19, 1973 at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman E. L. Henry declared the Convention adjourned to Friday, October 19, 1973 at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SIXTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, October 19, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock A.M., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
De Blieux
Dennery
Dennis
Derbes
Deshotels
Drew
Dunlap
Duval
Edwards
Elkins
Fayard
Flory
Fontenot
Fowler
Total—124.

Fulco
Gauthier
Giarrusso
Ginn
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Martin
Mauberret
Maybuce
Mire
Munson
Newton
Nunez
O'Neill
Ourso

Perez
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Roy
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniati
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Thistlethwaite
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

ABSENT

Delegates—
Alexander
D'Gerolamo
Goldman
Total—8.

Miller
Pugh
Sandoz

Tate
Thompson

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Toca led the Convention in reciting the Pledge of
Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Stagg, the reading of the Journal
was dispensed with.

On motion of Delegate Stagg, the Journal of yesterday was
adopted.

Regular Order

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 1. Assessment of Property; Classification; Asses-
sors; Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation
shall be listed on the assessment rolls at its assessed valua-
tion which shall be a percentage of its fair market value;
such percentage of fair market value shall be uniform
throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem
taxation and the percentage of fair market value applicable
to each such classification for the purpose of determining
assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land -----	5%
2. Improvements on residential property -----	10%
3. All other property -----	15%

(C) Assessors shall determine the fair market value of all
property subject to taxation within their respective parishes
and districts except public service properties which shall be
valued by the Louisiana Tax Commission. All property sub-
ject to taxation shall be re-appraised at intervals of not
more than five years.

(D) The correctness of assessments by the assessor shall
be subject to review by the governing authority of the parish,
then by the Louisiana Tax Commission, and finally by the
courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, horti-
cultural and timber lands will be assessed for the purpose
of taxation at a percentage of use value rather than fair
market value.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 26, Section 1, when it
adjourned on Thursday, October 18, 1973, which was taken
up and acted upon as follows:

Delegate McDaniel sent up floor amendments, which were
read as follows:

FLOOR AMENDMENT

Amendments proposed by Delegate McDaniel to Committee
Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 2

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AMENDMENT No. 1—

On page 1, between lines 12 and 13, insert the following: "Section 1. Notwithstanding any provision contained in this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution."

AMENDMENT No. 2—

On page 1, at the beginning of line 13, strike out the following:

"Section 1."

Point of Order

Delegate Mire suggested that the amendment was not germane to the Section under consideration, therefore was out of order at this time, and asked a ruling from the chair.

Ruling of the Chair

The Chair ruled that the amendment, not being germane to the Section under consideration at this time, was out of order.

Appeal from the Ruling of the Chair

Delegate McDaniel appealed the ruling of the Chair.

Under the rules the question was put to sustain the Chair.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Gravel	Planchard
Arnette	Hayes	Rayburn
Asseff	Haynes	Roy
Avant	Jack	Shannon
Badeaux	Jackson, A.	Singleary
Blair	Jackson, J.	Slay
Burns	Kelly	Stephenson
Carmouche	Kilbourne	Stovall
Chatelain	Lambert	Tapper
Chehardy	Landrum	Thistlethwaite
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Conroy	Leithman	Ull
Corne	Lowe	Vick
Cowen	Martin	Warren
Drew	Maubertret	Weiss
Dunlap	Maybuce	Willis
Flory	Mire	Winchester
Gauthier	Munson	Wisham
Graham	Nunez	
Total—59.		

NAYS

Delegates—		
Abraham	Fulco	McDaniel
Bel	Giarrusso	Perkins
Bollinger	Grier	Riecke
Casey	Hardee	Schmitt
Champagne	Heine	Smith
De Blieux	Hernandez	Soniat
Dennery	Jenkins	Stagg
Derbes	Juneau	Stinson
Deshotels	Kean	Sutherland
Elkins	Lanier	Toomy
Fontenot	Leigh	Velazquez
Fowler	Lennox	Zervigon
Total—36.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Rachal
Aertker	Ginn	Reeves
Alexander	Goldman	Robinson
Anzalone	Guarisco	Roemer
Bergeron	Kilpatrick	Sandoz
Brien	LeBleu	Segura
Brown	Miller	Tate
Burson	Newton	Thompson
Cannon	O'Neill	Vesich
D'Gerolamo	Ourso	Wall
Dennis	Perez	Wattigny
Duval	Pugh	Wemack
Edwards		
Total—37.		

And the Chair was sustained.

Delegate Flory moved to reconsider the vote by which the Chair was sustained, and on his own motion, the motion to reconsider was laid on the table.

Delegate McDaniel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates McDaniel, Anzalone, Bollinger, Casey, Champagne, Cowen, Elkins, Fontenot, Grier, Jenkins, Lanier, Stagg, Stinson, Toomy, Weiss, and Zervigon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 10 and 11, insert the following "Section 1. Political Subdivisions; Exclusive Authority to Levy and Collect Ad Valorem Taxes

Section 1. Notwithstanding any provision contained in this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution."

Delegate McDaniel moved to withdraw the amendment.

Delegate Mire objected.

By a vote of 79 yeas and 22 nays the amendment was withdrawn.

Motion

Delegate Schmitt moved for a suspension of the rules in order to consider Sections 1(B) and 3(A) together, at this time.

Delegate Gravel objected.

By a vote of 38 yeas and 67 nays the Convention refused to suspend the rules at this time.

Motion

Delegate Duval moved that further action be deferred on Section 1 at this time and that the Convention consider Section 3(A) at this time.

Delegate Winchester objected.

As a substitute Delegate Kean moved that the Convention recess until 2:00 o'clock p.m.

The vote recurred on the substitute motion.

By a vote of 16 yeas and 84 nays the Convention refused to recess until 2:00 o'clock p.m.

On motion of Delegate Duval the motion to defer action on Section 1 was withdrawn.

Motion

Delegate Anzalone moved to suspend the rules to allow the offering of amendments to Section 1 on the subject matter of homestead exemptions and the limitations on the rate of state property taxation.

PAGE 3

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Delegate Winchester objected.

By a vote of 79 yeas and 21 nays the rules were suspended.

Delegate Rayburn sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Rayburn to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, after the word "taxpayer" add a semicolon ";" and insert the following:

"Exemptions from Ad Valorem Property Taxation"

AMENDMENT No. 2—

On page 2, between lines 7 and 8, add the following:

"(F) Homesteads shall be exempt from ad valorem property taxation as follows:

From state, parish, and special taxes, the bona fide homestead, consisting of a tract of land, or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of three thousand dollars of the assessed valuation; however, by the favorable vote of a majority of the elected members of each house, the legislature may increase this exemption to an amount which shall not exceed the full amount of five thousand dollars of the assessed valuation. Veterans and persons sixty-five years or older shall be provided with a homestead exemption of five thousand dollars of the assessed valuation. No exemption shall extend to any municipal or city taxes except the following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; and (2) to any municipal or city taxes levied for school purposes. The exemption of homesteads shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title thereto is in either husband or wife, but this exemption shall not be extended to more than one homestead owned by the husband or wife.

The provisions of this Paragraph shall become effective commencing January 1 of the year following the end of three years after the effective date of this constitution, and until that date the homestead exemptions provided by Article X, Section 4, Paragraphs 9 through 9(c) shall be applicable."

Delegate Rayburn moved the adoption of the amendment.

Delegate Chehardy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chatelain	Gauthier
Abraham	Comar	Giarrusso
Anzalone	Conroy	Ginn
Asseff	Corne	Graham
Badeaux	Cowen	Gravel
Bel	De Blieux	Grier
Bergeron	Dennery	Hardee
Blair	Dennis	Hayes
Bollinger	Derbes	Haynes
Brien	Deshotels	Heine
Brown	Dunlap	Hernandez
Burns	Duval	Jack
Burson	Elkins	Jackson, A.
Cannon	Fayard	Jackson, J.
Carmouche	Fontenot	Juneau
Casey	Fowler	Kean
Champagne	Fulco	Kelly

Kilbourne
Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Lowe
McDaniel
Martin
Mire
Munson
Total—89.

Newton
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Schmitt
Shannon
Singletary
Slay

Smith
Soniat
Stagg
Stephenson
Stovall
Sutherland
Tapper
Thistlethwaite
Velazquez
Vick
Weiss
Zervigon

NAYS

Delegates—

Alario
Arnette
Avant
Chehardy
Conino
Flory
Guarisco
Jenkins
Landrum
Leithman
Total—30.

Lennox
Mauberret
Maybuce
Nunez
O'Neill
Ourso
Perez
Roy
Stinson
Tobias

Toca
Toomy
Ullo
Vesich
Wall
Warren
Wattigny
Willis
Winchester
Wisham

NOT VOTING

Delegates—

Aertker
Alexander
D'Gerolamo
Drew
Edwards
Total—13.

Goldman
Miller
Pugh
Sandoz

Segura
Tate
Thompson
Womack

And the amendments were adopted.

Delegate Rayburn moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the Convention on October 19, 1973, on the last line immediately after "9(c)" and before the word "shall" insert the words "of the 1921 Constitution"

On motion of Delegate Stagg the amendment was adopted.

Delegate Stagg moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer, Velazquez, Champagne, Conroy, Brown, Duval, Newton, Abraham, Stagg and Smith to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, on line 11 of the text of the amendment after the words "vote of" and before the words "of the" strike out the words "a majority" and insert in lieu thereof the words "two-thirds"

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Motion

Delegate De Blieux moved the previous question on the amendment.

Delegate Roy objected.

By a vote of 65 yeas and 46 nays and the previous question was ordered.

Delegate Roemer moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	McDaniel
Anzalone	Duval	Martin
Arnette	Elkins	Munson
Badeaux	Fontenot	Newton
Eel	Fulco	Perez
Bergeron	Gauthier	Perkins
Bollinger	Giarrusso	Planchard
Brown	Ginn	Rachal
Burns	Grier	Reeves
Burson	Guarisco	Riecke
Cannon	Hardee	Robinson
Carmouche	Heine	Roemer
Casey	Jack	Schmitt
Champagne	Juneau	Smith
Chatelain	Kean	Soniat
Comar	Kelly	Stagg
Conroy	Kilbourne	Stephenson
Corne	Kilpatrick	Stinson
Cowen	Landry, A.	Sutherland
De Blieux	Lanier	Thistlethwaite
Dennery	Leigh	Velazquez
Dennis	Lennox	Zervigon
Derbes	Lowe	
Total—68.		

NAYS

Delegates—		
Alario	Lambert	Stovall
Asseff	Landry, E. J.	Tapper
Avant	LeBleu	Tobias
Blair	Leithman	Toca
Brien	Mauberrert	Toomy
Chehardy	Maybuce	Ullo
Conino	Mire	Vesich
Fayard	Nunez	Vick
Flory	O'Neill	Wall
Fowler	Rayburn	Warren
Graham	Roy	Wattigny
Gravel	Segura	Weiss
Hayes	Shannon	Willis
Haynes	Singletary	Winchester
Hernandez	Slay	Wisham
Jenkins		
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Ourso
Aertker	Goldman	Pugh
Alexander	Jackson, A.	Sandoz
D'Gerolamo	Jackson, J.	Tate
Drew	Landrum	Thompson
Dunlap	Miller	Womack
Total—18.		

And the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chehardy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Chehardy, Toca, Alario, D'Gerolamo, Conino, Ullo, Toomy, Leithman and Nunez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, at the end of line 9, after the words "amount of" delete the word "three" and delete lines 10, 11, 12, 13, and 14 of the text of the amendment and insert in lieu thereof the following:

"five thousand dollars of the assessed valuation."

AMENDMENT No. 2—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, in line 16 of the text of the amendment after the words "exemption of" and before the word "thousand" delete the word "five" and insert in lieu thereof the word "six"

AMENDMENT No. 3—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, delete lines 29 through 34, both inclusive, in their entirety of the text of the amendment which consists of the last paragraph

Delegate Chehardy moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Leithman	Toomy
Avant	Mauberrert	Ullo
Chehardy	Maybuce	Vesich
Conino	Nunez	Vick
Fayard	O'Neill	Wall
Flory	Roy	Warren
Fulco	Segura	Wattigny
Gravel	Singletary	Weiss
Hernandez	Soniat	Willis
Jenkins	Tobias	Winchester
Lambert	Toca	Wisham
LeBleu		
Total—34.		

NAYS

Delegates—		
Abraham	Dennery	Kilbourne
Aertker	Dennis	Kilpatrick
Anzalone	Derbes	Landry, A.
Arnette	Deshotels	Landry, E. J.
Asseff	Dunlap	Lanier
Badeaux	Duval	Leigh
Bel	Elkins	Lennox
Bergeron	Fontenot	Lowe
Blair	Fowler	Martin
Bollinger	Gauthier	Mire
Brown	Giarrusso	Newton
Burns	Ginn	Perez
Burson	Graham	Perkins
Cannon	Grier	Planchard
Carmouche	Guarisco	Rachal
Casey	Hardee	Rayburn
Champagne	Haynes	Riecke
Chatelain	Heine	Robinson
Comar	Jackson, A.	Roemer
Conroy	Jackson, J.	Schmitt
Corne	Juneau	Shannon
Cowen	Kean	Slay
De Blieux	Kelly	Smith

Stagg	Stovall	Velazquez
Stephenson	Sutherland	Zervigon
Stinson	Tapper	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Pugh
Alexander	Jack	Reeves
Brien	Landrum	Sandoz
D'Geroalmo	McDaniel	Tate
Drew	Miller	Thistlethwaite
Edwards	Munson	Thompson
Goldman	Ourso	Womack
Total—21.		

And the amendments were rejected.

Delegate De Blieux moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the Convention on October 19, 1973, on line 10 immediately after the word "valuation" change the semicolon ";" to a period "." and delete the remainder of the line and delete lines 11 through 14, both inclusive, in their entirety including Convention Floor Amendment No. 1 proposed by Mr. Roemer, et al., and adopted by the Convention on October 19, 1973.

Motion

Delegate Stovall moved the previous question on the amendment.

Delegate Fontenot objected.

By a vote of 69 yeas and 24 nays the previous question was ordered.

Delegate Arnette moved the adoption of the amendment.

Delegate Segura objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Grier	Lennox
Arnette	Heine	Perkins
Bel	Kean	Riecke
Bollinger	Kilbourne	Robinson
Casey	Kilpatrick	Stagg
Champagne	LeBleu	Stinson
Fontenot	Leigh	Zervigon
Giarrusso		
Total—22.		

NAYS

Delegates—		
Aertker	Burson	Dennery
Alario	Cannon	Derbes
Anzalone	Carmouche	Deshotels
Asseff	Chatelain	Dunlap
Avant	Chehardy	Duval
Badeaux	Comar	Elkins
Bergeron	Conino	Fayard
Blair	Conroy	Flory
Brown	Corne	Fowler
Burns	De Blieux	Fulco

Gauthier	Martin	Soniat
Ginn	Mauberret	Stephenson
Graham	Maybuce	Stovall
Gravel	Mire	Sutherland
Guarisco	Newton	Thistlethwaite
Hardee	Nunez	Tobias
Haynes	O'Neill	Toca
Hernandez	Perez	Toomy
Jackson, A.	Planchard	U'ilo
Jackson, J.	Rachal	Velazquez
Jenkins	Rayburn	Vesich
Juneau	Reeves	Vick
Kelly	Roemer	Warren
Lambert	Roy	Wattigny
Landry, A.	Schmitt	Weiss
Landry, E. J.	Segura	Willis
Lanier	Shannon	Winchester
Leihman	Singletary	Wisham
Lowe	Slay	
McDaniel	Smith	
Total—88.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Sandoz
Alexander	Hayes	Tapper
Brien	Jack	Tate
Cowen	Landrum	Thompson
D'Gerolamo	Miller	Wall
Dennis	Munson	Womack
Drew	Ourso	
Edwards	Pugh	
Total—22.		

And the amendment was rejected.

Delegate Tobias moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, delete lines 9 through 16, both inclusive, in their entirety and on line 17, at the beginning of the line delete the words "dollars of the assessed valuation" and insert in lieu thereof the following: "occupied by any person, in the full amount of thirty thousand dollars of the fair market value. Veterans and persons sixty-five years or older shall be provided with a homestead exemption of fifty thousand dollars of the fair market value. However, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase the homestead exemption to an amount which shall not exceed the full amount of fifty thousand dollars of the fair market value, and the exemption for veterans and persons sixty-five years or older shall not exceed the full amount of sixty thousand dollars of the fair market value."

Any percentage of fair market value provided for in Section 1, paragraph (B) shall be applied to any excess of the value of the exemptions granted herein."

Motion

On motion of Delegate Burson the previous question was ordered on the amendment.

Delegate De Blieux moved to reconsider the vote by which the previous was ordered.

Delegate Rayburn objected.

By a vote of 38 yeas and 61 nays the Convention refused to reconsider the vote.

Delegate De Blieux moved the adoption of the amendment.

Delegate Rayburn objected.

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A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Schmitt	Stinson
De Blieux		
Total—3.		

NAYS

Delegates—	Giarrusso	Perkins
Aertker	Ginn	Rachal
Alario	Graham	Rayburn
Anzalone	Gravel	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Robinson
Avant	Hardee	Roemer
Badeaux	Hayes	Roy
Bel	Haynes	Segura
Bergeron	Heine	Singletary
Blair	Hernandez	Slay
Brown	Jackson, A.	Smith
Burns	Jenkins	Soniat
Burson	Juneau	Stagg
Cannon	Kean	Stephenson
Carmouche	Kelly	Stovall
Casey	Kilbourne	Sutherland
Champagne	Kilpatrick	Tapper
Chatelain	Lambert	Thislethwaite
Chehardy	Landry, A.	Tobias
Comar	Landry, E. J.	Toca
Conino	Lanier	Toomy
Conroy	LeBleu	Ullo
Corne	Leigh	Velazquez
Cowen	Leithman	Vesich
Dennery	Lennox	Vick
Dennis	Lowe	Warren
Derbes	Martin	Wattigny
Deshotels	Mauberret	Weiss
Duval	Mire	Willis
Elkins	Newton	Winchester
Flory	Nunez	Wisham
Fowler	O'Neill	Zervigon
Fulco	Perez	
Gauthier		
Total—101.		

NOT VOTING

Delegates—	Fontenot	Ourso
Mr. Chairman	Goldman	Planchard
Abraham	Jack	Pugh
Alexander	Jackson, J.	Sandoz
Bollinger	Landrum	Shannon
Brien	Maybuce	Tate
D'Gerolamo	McDaniel	Thompson
Drew	Miller	Wall
Dunlap	Munson	Womack
Edwards		
Fayard		
Total—28.		

And the amendment was rejected.

Delegate Roemer moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Hernandez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hernandez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8 in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the con-

vention on October 18, 1973, on line 15, immediately after the word "Veterans" and before the words "and persons" add the following:

"of the armed forces of the United States who have been honorably separated from such services and who possess such other qualifications as shall be defined by law."

On motion of Delegate Hernandez the amendment was withdrawn.

Delegate Chehardy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Chehardy, Toca, Alario, D'Gerolamo, Conino, Ullo, Toomy, Leithman, Nunez, and O'Neil to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the Convention on October 19, 1973, at the end of line 9, after the words "amount of" delete the word "three" and delete lines 10, 11, 12, 13, and 14 of the text of the amendment and insert in lieu thereof the following:

"four thousand dollars of the assessed valuation."

AMENDMENT No. 2—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the Convention on October 19, 1973, delete lines 29 through 34, both inclusive, in their entirety of the text of the amendment which consists of the last paragraph

On motion of Delegate Schmitt a division of the question was ordered.

Delegate Alario moved the adoption of the amendment No. 1.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Maybuce	Toomy
Alario	Nunez	Ullo
Avant	O'Neill	Vesich
Chehardy	Riecke	Vick
Conino	Roy	Warren
Flory	Segura	Wattigny
Fulco	Slay	Weiss
Gravel	Soniat	Willis
Jenkins	Tobias	Winchester
LeBleu	Toca	Wisham
Leithman		
Mauberret		
Total—31.		

Delegates—

NAYS

Aertker	De Blieux	Jackson, A.
Anzalone	Dennery	Jackson, J.
Arnette	Dennis	Juneau
Asseff	Derbes	Kean
Badeaux	Deshotels	Kelly
Bel	Dunlap	Kilbourne
Bergeron	Duval	Kilpatrick
Blair	Elkins	Lambert
Brown	Fayard	Landry, A.
Burns	Fowler	Landry, E. J.
Cannon	Gauthier	Lanier
Carmouche	Giarrusso	Leigh
Casey	Ginn	Lennox
Champagne	Graham	Lowe
Chatelain	Grier	McDaniel
Comar	Guarisco	Martin
Conroy	Hardee	Mire
Corne	Hayes	Newton
Cowen	Haynes	Perez

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Perkins	Schmitt	Stovall
Rachal	Singletary	Sutherland
Rayburn	Smith	Tapper
Reeves	Stagg	Thistlethwaite
Robinson	Stephenson	Velazquez
Roemer	Stinson	Zervigon
Total—75.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Planchard
Abraham	Goldman	Pugh
Alexander	Heine	Sandoz
Bollinger	Hernandez	Shannon
Brien	Jack	Tate
Burson	Landrum	Thompson
D'Gerolamo	Miller	Wall
Drew	Munson	Womack
Edwards	Ourso	
Total—26.		

And the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario moved the adoption of the amendment No. 2.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Leithman	Toomy
Avant	Maybuce	Ulio
Chehardy	Nunez	Wall
Conino	O'Neill	Wattigny
Flory	Schmitt	Willis
Hayes	Segura	Winchester
Jenkins	Toca	Wisham
Total—21.		

NAYS

Delegates—		
Aertker	Fulco	Newton
Anzalone	Gauthier	Perez
Arnette	Giarrusso	Perkins
Asseff	Ginn	Rachal
Badeaux	Graham	Rayburn
Bel	Gravel	Reeves
Bergeron	Grier	Riecke
Blair	Guarisco	Robinson
Brown	Hardee	Roemer
Burns	Haynes	Roy
Cannon	Jackson, A.	Singletary
Carmouche	Jackson, J.	Slay
Casey	Juneau	Smith
Champagne	Kean	Soniat
Chatelain	Kelly	Stagg
Comar	Kilbourne	Stephenson
Conroy	Kilpatrick	Stinson
Corne	Lambert	Stovall
Cowen	Landry, A.	Sutherland
De Blieux	Landry, E. J.	Tapper
Dennery	Lanier	Thistlethwaite
Dennis	LeBleu	Tobias
Derbes	Leigh	Velazquez
Deshotels	Lennox	Vesich
Dunlap	Lowe	Vick
Duval	McDaniel	Warren
Elkins	Martin	Weiss
Fayard	Maubert	Zervigon
Fowler	Mire	
Total—86.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Planchard
Abraham	Goldman	Pugh
Alexander	Heine	Sandoz
Bollinger	Hernandez	Shannon
Brien	Jack	Tate
Burson	Landrum	Thompson
D'Gerolamo	Miller	Womack
Drew	Munson	
Edwards	Ourso	
Total—25.		

And the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall provide for a system whereby whenever the property tax on a homestead rises to more than 11% of the household income, the excess amount will be refunded by the state."

Delegate Velazquez moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Maybuce	Toomy
Chehardy	Rachal	Velazquez
Dennery	Stovall	Warren
Deshotels	Toca	Winchester
Jackson, J.		
Total—13.		

NAYS

Delegates—		
Aertker	Flory	McDaniel
Anzalone	Fowler	Martin
Arnette	Fulco	Mauberret
Asseff	Gauthier	Mire
Avant	Giarrusso	Newton
Badeaux	Ginn	Nunez
Bel	Graham	O'Neill
Bergeron	Gravel	Perez
Blair	Grier	Perkins
Brown	Guarisco	Rayburn
Burns	Hardee	Reeves
Burson	Hayes	Riecke
Cannon	Haynes	Robinson
Carmouche	Heine	Roemer
Casey	Jackson, A.	Roy
Champagne	Jenkins	Schmitt
Chatelain	Juneau	Segura
Comar	Kean	Singletary
Conino	Kelly	Slay
Conroy	Kilpatrick	Smith
Corne	Lambert	Soniat
Cowen	Landry, E. J.	Stagg
De Blieux	Lanier	Stephenson
Dennis	LeBleu	Stinson
Derbes	Leigh	Sutherland
Duval	Leithman	Tapper
Elkins	Lennox	Thistlethwaite
Fayard	Lowe	Tobias

Ullo	Weiss	Zervigon
Vesich	Willis	
Wattigny	Wisham	
Total—91.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Planchard
Abraham	Hernandez	Pugh
Alexander	Jack	Sandoz
Bollinger	Kilbourne	Shannon
Brien	Landrum	Tate
D'Gerolamo	Landry, A.	Thompson
Drew	Miller	Vick
Dunlap	Munson	Wall
Edwards	Ourso	Womack
Fontenot		
Total—28.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall adopt laws providing for tax credits or rebates to persons renting homes on a percentage of rent attributable to property taxes, in a manner provided by law."

On motion of Delegate J. Jackson the amendment was withdrawn.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall adopt laws providing for tax credits or rebates to tenants renting homes on a percentages of rent attributable to property taxes, in a manner provided by law."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Burson	Conino
Bel	Casey	De Blieux
Bergeron	Champagne	Dennery
Brown	Chehardy	Derbes

Flory	Leithman
Gauthier	Maybuce
Ginn	Rachal
Gravel	Riecke
Guarisco	Schmitt
Hayes	Soniat
Haynes	Stephenson
Jackson, A.	Stovall
Jackson, J.	Tapper
Kelly	Tobias
Kilpatrick	Toca
Total—43.	

NAYS

Delegates—		
Aertker	Graham	O'Neill
Anzalone	Grier	Perez
Arnette	Hardee	Perkins
Asseff	Jenkins	Rayburn
Avant	Juneau	Reeves
Badeaux	Kean	Robinson
Blair	Lambert	Roemer
Burns	Landry, A.	Roy
Cannon	Landry, E. J.	Segura
Carmouche	Lanier	Singletary
Chatelain	LeBleu	Slay
Conroy	Leigh	Smith
Corne	Lennox	Stagg
Dennis	Lowe	Stinson
Deshotels	McDaniel	Sutherland
Duval	Martin	Thistlethwaite
Elkins	Mauberret	Ullo
Fayard	Mire	Weiss
Fowler	Newton	Winchester
Fulco	Nunez	Wisham
Giarrusso		
Total—61.		

NOT VOTING

Delegates—		
Mr. Chairman	Edwards	Munson
Abraham	Fontenot	Ourso
Alexander	Goldman	Planchard
Bollinger	Heine	Pugh
Brien	Hernandez	Sandoz
Comar	Jack	Shannon
Cowen	Kilbourne	Tate
D'Gerolamo	Landrum	Thompson
Drew	Miller	Womack
Dunlap		
Total—28.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8 in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, on line 13, at the beginning of line 13, after the word "exemption" insert a period "." and delete the remainder of the line and delete line 14 of the text of the amendment in its entirety.

Delegate Schmitt moved the adoption of the amendment.

Delegate Zervigon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

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YEAS

Delegates—		
Alario	O'Neill	Toca
Chehardy	Rachal	Toomy
De Blieux	Riecke	Ullo
Graham	Roy	Wall
Jenkins	Schmitt	Weiss
LeBleu	Segura	Willis
Leithman	Singletary	Wisham
Nunez	Slay	
Total—23.		

NAYS

Delegates—		
Aertker	Fayard	Mauberret
Anzalone	Flory	Maybuce
Arnette	Fowler	Mire
Asseff	Fulco	Newton
Avant	Gauthier	Perez
Badeaux	Giarrusso	Perkins
Bel	Ginn	Rayburn
Bergeron	Gravel	Reeves
Blair	Grier	Robinson
Brown	Guarisco	Roemer
Burns	Hardee	Smith
Burson	Hernandez	Soniat
Carmouche	Jackson, A.	Stagg
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Conino	Kilpatrick	Tapper
Conroy	Lambert	Thistlethwaite
Corne	Landry, A.	Tobias
Cowen	Landry, E. J.	Velazquez
Dennery	Lanier	Vesich
Dennis	Leigh	Vick
Derbes	Lennox	Wattigny
Deshotels	Lowe	Winchester
Duval	McDaniel	Zervigon
Elkins	Martin	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Ourso
Abraham	Goldman	Planchard
Alexander	Hayes	Pugh
Bollinger	Haynes	Sandoz
Brien	Heine	Shannon
Cannon	Jack	Stephenson
Comar	Jackson, J.	Tate
D'Gerolamo	Kilbourne	Thompson
Drew	Landrum	Warren
Dunlap	Miller	Womack
Edwards	Munson	
Total—32.		

And the amendment was rejected.

Delegate Zervigon moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Alario, Avant, Chehardy, Flory, Kilpatrick, Leithman, Mauberret, Riecke, Graham, Soniat, Toca, Toomy, Ullo, Velazquez, Vick, Warren, Wattigny, Weiss, Willis and Winchester to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8 in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, in line 16 of the text of the

amendment after the words "exemption of" and before the word "thousand" delete the word "five" and insert in lieu thereof the word "six"

Delegate Nunez moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Haynes	Segura
Asseff	Jenkins	Soniat
Avant	Kelly	Toca
Bel	Kilpatrick	Toomy
Bergeron	Landry, E. J.	Ullo
Blair	Leithman	Velazquez
Brown	Mauberret	Vesich
Chehardy	Maybuce	Vick
Comar	Nunez	Warren
Conino	O'Neill	Wattigny
Fayard	Perez	Weiss
Flory	Rachal	Willis
Ginn	Reeves	Winchester
Graham	Riecke	Wisham
Hayes	Roy	
Total—44.		

NAYS

Delegates—		
Aertker	Fowler	Martin
Anzalone	Fulco	Mire
Arnette	Gauthier	Newton
Badeaux	Giarrusso	Perkins
Burns	Gravel	Rayburn
Burson	Grier	Robinson
Carmouche	Guarisco	Roemer
Casey	Hardee	Schmitt
Champagne	Hernandez	Singletary
Chatelain	Jackson, A.	Slay
Conroy	Jackson, J.	Smith
Corne	Juneau	Stagg
Cowen	Kean	Stinson
De Blieux	Landry, A.	Stovall
Dennery	Lanier	Sutherland
Dennis	LeBleu	Tapper
Derbes	Leigh	Thistlethwaite
Deshotels	Lennox	Tobias
Duval	Lowe	Wall
Elkins	McDaniel	Zervigon
Total—60.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Planchard
Abraham	Goldman	Pugh
Alexander	Heine	Sandoz
Bollinger	Jack	Shannon
Brien	Kilbourne	Stephenson
Cannon	Lambert	Tate
D'Gerolamo	Landrum	Thompson
Drew	Miller	Womack
Dunlap	Munson	
Edwards	Ourso	
Total—28.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Kean, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-committee on Tran-

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sitional Measures of the Committee on Local and Parochial Government, sent up the following notice:

The Sub-committee on Transitional Measures of the Committee on Local and Parochial Government will meet on Wednesday, October 24, 1973, immediately after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

Consider and dispose of transitional matters.

Respectfully submitted,

WALTER I. LANIER, JR.,
Chairman of the Sub-committee on
Transitional Measures of the
Committee on Local and Parochial Government.

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Brien—1 day.
Delegate Pugh—2 days.
Delegate Alexander—3 days.
Delegate Thompson—2 days.
Delegate Sandoz—1 day.
Delegate Goldman—2 days.

Adjournment

Delegate Stagg moved that the Convention do now adjourn

Delegate Stagg moved that the Convention do now adjourn until Saturday, October 20, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, October 20, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SIXTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, October 20, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Brien
Brown
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
De Blieux
Dennery
Dennis
Derbes
Deshotels
Dunlap
Duval
Edwards
Elkins
Fayard
Flory
Fontenot
Fowler
Fulco
Total—122.

Gauthier
Giarrusso
Ginn
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Martin
Mauberrret
Maybuce
Mire
Munson
Newton
Nunez
O'Neill
Ourso

Perez
Perkins
Planchard
Rachal
Rayburn
Reeves
Riecke
Robinson
Roemer
Roy
Sandoz
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniart
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Thistlethwaite
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Zervigon

ABSENT

Delegates—
Alexander
Bollinger
D'Gerolamo
Drew
Total—10.

Goldman
Miller
Pugh
Tate

Thompson
Womack

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Stagg led the Convention in reciting the Pledge of
Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal was
dispensed with.

On motion of Delegate Roy, the Journal of yesterday was
adopted.

Regular Order

Unfinished Business

The following unfinished business in which the House was
engaged at the time of its adjournment on yesterday was
taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOISAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 1. Assessment of Property; Classification; Asses-
sors; Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation
shall be listed on the assessment rolls at its assessed valua-
tion which shall be a percentage of its fair market value;
such percentage of fair market value shall be uniform
throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem
taxation and the percentage of fair market value applicable
to each such classification for the purpose of determining
assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land	5%
2. Improvements on residential property	10%
3. All other property	15%

(C) Assessors shall determine the fair market value of all
property subject to taxation within their respective parishes
and districts except public service properties which shall be
valued by the Louisiana Tax Commission. All property sub-
ject to taxation shall be re-appraised at intervals of not
more than five years.

(D) The correctness of assessments by the assessor shall
be subject to review by the governing authority of the parish,
then by the Louisiana Tax Commission, and finally by the
courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, horti-
cultural and timber lands will be assessed for the purpose
of taxation at a percentage of use value rather than fair
market value.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 26, Section 1, when it
adjourned on Thursday, October 19, 1973, which was taken
up and acted upon as follows:

Delegate Hernandez sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Hernandez, Alario, Ba-
deaux, Bel, Chatelain, Chehardy, Conroy, Dennis, Flory, Ful-
co, Grier, Heine, Jack, A. Landry, E. J. Landry, Lanier, Lowe,
Martin, Nunez, Planchard, Rachal, Rayburn, Riecke, Robin-

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son, Roy, Shannon, Smith, Stephenson, Stinson, Sutherland, Ullo, Warren, Wattigny, Willis and Wisham to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the Convention on October 19, 1973, on line 15, immediately after the word "Veterans" and before the words "and persons" add the following:

"of the armed forces of the United States who have been honorably discharged or separated from such services or persons who served in said armed forces, as defined by general law,"

Delegate Hernandez moved the adoption of the amendment.

Delegate Wattigny objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following:

YEAS

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginn	Riecke
Arnette	Graham	Robinson
Asseff	Gravel	Roy
Badeaux	Grier	Sandoz
Bel	Hardee	Shannon
Bergeron	Haynes	Slay
Blair	Heine	Smith
Brien	Hernandez	Soniat
Burns	Jack	Stagg
Burson	Jackson, A.	Stephenson
Carmouche	Kelly	Stinson
Casey	Kilpatrick	Sutherland
Champagne	Landry, A.	Thistlethwaite
Chatelain	Landry, E. J.	Toca
Chehardy	Lanier	Toomy
Comar	LeBleu	Ullo
Conino	Leigh	Velazquez
Conroy	Leithman	Vick
Cowen	Lennox	Warren
De Blieux	Lowe	Wattigny
Dennerly	McDaniel	Weiss
Dennis	Martin	Willis
Elkins	Mauberret	Winchester
Flory	Mire	Wisham
Fontenot	Munson	
Fowler	Nunez	
Total—86.		

NAYS

Delegates—
Stovall
Total—2.

Tobias

NOT VOTING

Delegates—		
Alexander	Duval	Landrum
Anzalone	Edwards	Maybuce
Avant	Fayard	Miller
Bollinger	Goldman	Newton
Brown	Guarisco	O'Neill
Cannon	Hayes	Ourso
Corne	Jackson, J.	Perez
D'Gerolamo	Jenkins	Perkins
Derbes	Juneau	Pugh
Deshotels	Kean	Reeves
Drew	Kilbourne	Roemer
Dunlap	Lambert	Schmitt

Segura
Singletary
Tapper
Total—44.

Tate
Thompson
Vesich

Wall
Womack

And the amendment was adopted.

Delegate Hernandez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Ullo sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Ullo to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, on line 17 of said amendment after the words "assessed valuation" and before the words "No exemption" change the period "." to a semicolon ";", and add the following:

"however, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase this exemption to an amount which shall not exceed the full amount of seven thousand dollars of the assessed valuation."

Delegate Ullo moved the adoption of the amendment.

Delegate Casey objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Kelly	Vick
Avant	Leithman	Warren
Bergeron	Mauberret	Wattigny
Chehardy	Nunez	Weiss
Conino	Rachal	Willis
Flory	Toca	Winchester
Hayes	Toomy	Wisham
Hernandez	Ullo	
Jackson, J.	Velazquez	
Total—25.		

NAYS

Delegates—		
Abraham	Elkins	Mire
Aertker	Fontenot	Munson
Arnette	Fulco	Planchard
Asseff	Gauthier	Rayburn
Badeaux	Giarrusso	Robinson
Bel	Graham	Roy
Blair	Gravel	Sandoz
Brien	Grier	Shannon
Burns	Haynes	Slay
Burson	Heine	Smith
Carmouche	Jack	Soniat
Casey	Jackson, A.	Stagg
Champagne	Kilpatrick	Stephenson
Chatelain	Landry, A.	Stinson
Comar	Landry, E. J.	Stovall
Conroy	Lanier	Sutherland
Cowen	LeBleu	Tapper
De Blieux	Leigh	Thistlethwaite
Dennerly	Lennox	Tobias
Dennis	Lowe	Zervigon
Deshotels	Martin	
Total—62.		

NOT VOTING

Delegates—		
Mr. Chairman	Cannon	Dunlap
Alexander	Corne	Duval
Anzalone	D'Gerolamo	Edwards
Bollinger	Derbes	Fayard
Brown	Drew	Fowler

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Ginn	McDaniel	Riecke
Goldman	Maybuce	Roemer
Guarisco	Miller	Schmitt
Hardee	Newton	Segura
Jenkins	O'Neill	Singletary
Juneau	Ourso	Tate
Kean	Perez	Thompson
Kilbourne	Perkins	Vesich
Lambert	Pugh	Wall
Landrum	Reeves	Womack
Total—45.		

And the amendment was rejected.

Delegate Casey moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, delete lines 9 through 16, both inclusive, in their entirety and on line 17, at the beginning of the line delete the words "dollars of the assessed valuation" and insert in lieu thereof the following: "occupied by any person, in the full amount of thirty thousand dollars of the fair market value. Veterans and persons sixty-five years or older shall be provided with a homestead exemption of fifty thousand dollars of the fair market value. However, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase the homestead exemption to an amount which shall not exceed the full amount of fifty thousand dollars of the fair market value."

Any percentage of fair market value provided for in Section 1, Paragraph (B) shall be applied to any excess of the value of the exemptions granted herein."

Delegate De Blieux moved the adoption of the amendment.

Delegate Chatelain objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	McDaniel
Aertker	Fulco	Nunez
Alario	Gauthier	Riecke
Bergeron	Graham	Roemer
Champagne	Grier	Smith
Conroy	Hardee	Sutherland
De Blieux	Haynes	Ullo
Dennis	Lanier	Wall
Deshotels	LeBleu	Weiss
Elkins	Leigh	Wisham
Fayard	Lowe	
Total—32.		

NAYS

Delegates—		
Arnette	Burson	Dennerly
Asseff	Cannon	Dunlap
Avant	Carmouche	Flory
Badeaux	Casey	Fowler
Bel	Chatelain	Giarrusso
Blair	Chehardy	Ginn
Brien	Comar	Gravel
Burns	Conino	Guarisco

Hayes	Mire	Stagg
Heine	Munson	Stephenson
Hernandez	Newton	Stinson
Jack	Perez	Stovall
Jackson, A.	Planchard	Thistlethwaite
Jackson, J.	Rachal	Tobias
Juneau	Rayburn	Toca
Kean	Reeves	Toomy
Kelly	Robinson	Velazquez
Kilpatrick	Roy	Vick
Landry, A.	Sandoz	Warren
Landry, E. J.	Schmitt	Wattigny
Leithman	Shannon	Willis
Lennox	Singletary	Winchester
Martin	Slay	Zervigon
Mauberret	Soniat	
Total—71.		

NOT VOTING

Delegates—

Mr. Chairman	Duval	Ourso
Alexander	Edwards	Perkins
Anzalone	Goldman	Pugh
Bollinger	Jenkins	Segura
Brown	Kilbourne	Tapper
Corne	Lambert	Tate
Cowen	Landrum	Thompson
D'Gerolamo	Maybuce	Vesich
Derbes	Miller	Womack
Drew	O'Neill	
Total—29.		

And the amendment was rejected.

Delegate Chatelain moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Alario, Chehardy and Toca to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, on line 15 of said amendment, after the language added by Floor Amendment No. 1 proposed by Delegate Hernandez, and adopted by the Convention on October 20, 1973, after the words and punctuation "general law," of the Hernandez amendment add the word and punctuation "widows,"

Delegate Nunez moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Hayes	Reeves
Alario	Heine	Segura
Asseff	Jackson, J.	Stinson
Avant	Jenkins	Stovall
Badeaux	Juneau	Tapper
Bergeron	Kelly	Toca
Blair	Landry, E. J.	Toomy
Brien	LeBleu	Ullo
Cannon	Leigh	Velazquez
Chehardy	Leithman	Vesich
Conino	Mauberret	Warren
Dennerly	Munson	Wattigny
Elkins	Nunez	Weiss
Flory	O'Neill	Willis
Gauthier	Planchard	Winchester
Gravel	Rachal	Wisham
Total—48.		

NAYS

Delegates—		
Abraham	Giarrusso	Rayburn
Anzalone	Graham	Riecke
Arnette	Grier	Roemer
Bel	Guarisco	Sandoz
Burns	Hardee	Schmitt
Burson	Hernandez	Singletary
Carmouche	Jack	Slay
Casey	Jackson, A.	Smith
Champagne	Kean	Soniat
Chatelain	Kilpatrick	Stagg
Comar	Landry, A.	Stephenson
Conroy	Lanier	Sutherland
De Blieux	Lennox	Thistlethwaite
Dennis	Lowe	Tobias
Fayard	McDaniel	Vick
Fontenot	Martin	Wall
Fowler	Mire	Zervigon
Fulco	Newton	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Duval	Ourso
Alexander	Edwards	Perez
Bollinger	Ginn	Perkins
Brown	Goldman	Pugh
Corne	Haynes	Robinson
Cowen	Kilbourne	Roy
D'Gerolamo	Lambert	Shannon
Derbes	Landrum	Tate
Deshotels	Maybuce	Thompson
Drew	Miller	Womack
Dunlap		
Total—31.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall provide for a system whereby the ad valorem property tax on a homestead is limited to seven percent of the gross income of all household members. Any refund shall be made only after application by the taxpayer in the form of an affidavit certifying the gross income of all household members."

Delegate Velazquez moved the adoption of the amendment.

Delegate Roemer objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Jackson, J.	Lennox
Asseff	Landrum	Mauberrert
Chehardy	Landry, E. J.	Nunez
De Blieux	LeBleu	Perkins
Hayes	Leithman	Rachal

Riecke
Schmitt
Stovall
Sutherland
Tapper

Total—28.

Toca
Toomy
Ullo
Velazquez
Vesich

Wall
Warren
Winchester

NAYS

Delegates—		
Abraham	Fontenot	Newton
Aertker	Fowler	O'Neill
Anzalone	Fulco	Perez
Arnette	Gauthier	Planchard
Avant	Giarrusso	Rayburn
Badeaux	Ginn	Reeves
Bergeron	Graham	Roemer
Blair	Gravel	Sandoz
Brien	Grier	Segura
Burns	Hardee	Shannon
Burson	Heine	Singletary
Cannon	Hernandez	Slay
Carmouche	Jack	Smith
Casey	Jenkins	Soniat
Champagne	Juneau	Stephenson
Chatelain	Kean	Stinson
Comar	Kelly	Thistlethwaite
Conino	Kilpatrick	Tobias
Conroy	Landry, A.	Vick
Cowen	Lanier	Wattigny
Dennis	Leigh	Weiss
Dunlap	Lowe	Willis
Duval	Martin	Wisham
Fayard	Mire	Zervigon
Flory	Munson	
Total—74.		

NOT VOTING

Delegates—		
Mr. Chairman	Drew	Maybuce
Alexander	Edwards	Miller
Bel	Elkins	Ourso
Bollinger	Goldman	Pugh
Brown	Guarisco	Robinson
Corne	Haynes	Roy
D'Gerolamo	Jackson, A.	Stagg
Dennery	Kilbourne	Tate
Derbes	Lambert	Thompson
Deshotels	McDaniel	Womack
Total—30.		

And the amendment was rejected.

Delegate Zervigon moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall provide for a system whereby the ad valorem property tax on a homestead is limited to three percent of the fair market value of the homestead. Any refund shall be made only after application by the taxpayer in the form of an affidavit certifying the gross income of all household members."

On motion of Delegate Velazquez the amendment was withdrawn.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"The legislature shall provide for a system whereby the ad valorem property tax on a homestead is limited to three percent of the fair market value of the homestead. Any refund shall be made only after application by the taxpayer in the form of an affidavit."

Delegate Velazquez moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Mauberret	Toomy
Bergeron	Rachal	Ullo
Chehardy	Riecke	Velazquez
Jackson, J.	Stovall	Vesich
Landrum	Tapper	Warren
Leithman	Toca	Winchester
Total—18.		

NAYS

Delegates—		
Abraham	Fayard	Newton
Aertker	Flory	Nunez
Anzalone	Fontenot	Perez
Arnette	Fowler	Perkins
Asseff	Fulco	Planchard
Avant	Gauthier	Rayburn
Badeaux	Giarrusso	Reeves
Blair	Graham	Roemer
Brien	Gravel	Sandoz
Brown	Grier	Schmitt
Burns	Hardee	Segura
Burson	Hayes	Shannon
Cannon	Heine	Singletary
Carmouche	Hernandez	Slay
Casey	Juneau	Smith
Champagne	Kean	Soniat
Chatelain	Kilpatrick	Stagg
Comar	Lambert	Stephenson
Conino	Landry, A.	Stinson
Conroy	Landry, E. J.	Sutherland
Corne	Lanier	Thistlethwaite
Cowen	LeBleu	Tobias
De Blieux	Leigh	Vick
Dennergy	Lennox	Wattigny
Derbes	Lowe	Weiss
Dunlap	Martin	Willis
Duval	Mire	Wisham
Elkins	Munson	Zervigon
Total—84.		

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Miller
Alexander	Goldman	O'Neill
Bel	Guarisco	Ourso
Maybuce	Haynes	Pugh
Bollinger	Jack	Robinson
D'Gerolamo	Jackson, A.	Roy
Dennis	Jenkins	Tate
Deshotels	Kelly	Thompson
Drew	Kilbourne	Wall
Edwards	McDaniel	Womack
Total—30.		

And the amendment was rejected.

Delegate Sutherland moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"Notwithstanding anything in this Constitution to the contrary, in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide to tax relief to residential lessees in the form of credits or rebates."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Willis objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Graham	Reeves
Alario	Gravel	Riecke
Arnette	Guarisco	Roemer
Avant	Hayes	Roy
Bergeron	Jackson, J.	Schmitt
Brien	Juneau	Shannon
Brown	Kelly	Sutherland
Casey	Kilpatrick	Tapper
Champagne	Lambert	Tobias
Chehardy	Landrum	Toca
Comar	Landry, E. J.	Toomy
Conino	Leigh	Ullo
De Blieux	Leithman	Velazquez
Dennergy	Mauberret	Vesich
Derbes	Mire	Vick
Flory	Newton	Wall
Fulco	Nunez	Warren
Gauthier	Perkins	Winchester
Ginn	Rachal	Zervigon
Total—57.		

NAYS

Delegates—		
Aertker	Fowler	Ourso
Anzalone	Giarrusso	Perez
Asseff	Grier	Planchard
Badeaux	Hardee	Rayburn
Blair	Heine	Sandoz
Burns	Hernandez	Segura
Burson	Jack	Singletary
Cannon	Jenkins	Slay
Carmouche	Kean	Smith
Chatelain	Kilbourne	Stagg
Conroy	Landry, A.	Stephenson
Corne	Lanier	Stinson
Cowen	LeBleu	Thistlethwaite
Dennis	Lennox	Wattigny
Dunlap	Lowe	Weiss
Duval	Martin	Willis
Elkins	Munson	
Fontenot	O'Neill	
Total—52.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Robinson
Alexander	Goldman	Soniat
Bel	Haynes	Stovall
Bollinger	Jackson, A.	Tate
D'Gerolamo	McDaniel	Thompson
Deshotels	Maybuce	Wisham
Drew	Miller	Womack
Edwards	Pugh	
Total—23.		

And the amendment was adopted.

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Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Alario, Chehardy and Toca to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, on line 15 of said amendment, after the language added by Floor Amendment No. 1 proposed by Delegate Hernandez, and adopted by the Convention on October 20, 1973, after the words and punctuation "general law," of the Hernandez amendment add the words and punctuation "physically handicapped as defined by law, widows,"

Delegate Alario moved the adoption of the amendment.

Delegate Rayburn objected.

By a vote of 29 yeas and 71 nays the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate McDaniel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate McDaniel to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 12, after the word "Taxpayer" insert a semicolon ";" and add the following:
"Property Taxation, Limitation"

AMENDMENT No. 2—

On page 2, between lines 7 and 8, add the following Paragraph:

(G). Notwithstanding any provision contained in this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution."

Delegate McDaniel moved the adoption of the amendment.

Delegate Lowe objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Champagne	Hardee
Alario	Conino	Heine
Arnette	Corne	Hernandez
Asseff	Dennery	Jack
Bergeron	Duval	Jenkins
Burson	Elkins	Juneau
Cannon	Fontenot	Kean
Carmouche	Fulco	Landry, A.
Casey	Grier	Lanier

Leigh
Lennox
McDaniel
Maybuce
Nunez
O'Neill
Perez
Total—48.

Perkins
Riecke
Roemer
Schmitt
Shannon
Smith
Stagg

Stinson
Sutherland
Toomy
Ullo
Weiss
Willis
Wisham

NAYS

Delegates—

Aertker
Anzalone
Avant
Badeaux
Blair
Brien
Brown
Burns
Chatelain
Chehardy
Conroy
De Blieux
Derbes
Dunlap
Edwards
Fayard
Flory
Fowler
Gauthier
Giarrusso
Total—60.

Ginn
Graham
Gravel
Guarisco
Hayes
Jackson, J.
Kelly
Kilbourne
Kilpatrick
Lambert
Landry, E. J.
Leithman
Lowe
Martin
Mauberet
Mire
Munson
Newton
Planchard
Rachal
Rayburn
Reeves
Roy
Sandoz
Segura
Singletary
Slay
Soniati
Stephenson
Stovall
Thistlethwaite
Tobias
Toca
Velazquez
Vesich
Vick
Warren
Wattigny
Winchester
Zervigon

NOT VOTING

Delegates—

Mr. Chairman	Deshotels	Ourso
Alexander	Drew	Pugh
Bel	Goldman	Robinson
Bollinger	Haynes	Tapper
Comar	Jackson, A.	Tate
Cowen	Landrum	Thompson
D'Gerolamo	LeBleu	Wall
Dennis	Miller	Womack
Total—24.		

And the amendment was rejected.

Delegate Reeves moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate O'Neill moved that Convention take up other Orders of Business at this time.

Delegate Abraham objected.

By a vote of 60 yeas and 40 nays the Convention took up other Orders of Business.

Leave of Absence

Delegate Bollinger—1 day.

Adjournment

Delegate Lennox moved that the Convention do now adjourn until Tuesday, October 23, 1973, at 1:00 o'clock P.M.

As a substitute Delegate Shannon moved that the Convention adjourn until Wednesday, October 24, 1973, at 10:00 o'clock A.M.

Delegate Lennox objected.

By a vote of 36 yeas and 65 nays the Convention refused to adjourn until Wednesday, October 24, 1973, at 10:00 o'clock A.M.

As a further substitute Delegate Jack moved that the Convention adjourn until Wednesday, October 24, 1973, at 9:00 o'clock A.M.

Delegate Lennox objected.

By a vote of 36 yeas and 67 nays the Convention refused to adjourn until Wednesday, October 24, 1973, at 9:00 o'clock A.M.

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69th Days Proceedings—October 20, 1973

On motion of Delegate Lennox the Convention adjourned until Tuesday, October 23, 1973, at 1:00 o'clock P.M.

And Vice-Chairman Casey declared the Convention adjourned to Tuesday, October 23, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

SEVENTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, October 23, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Planhard
Aertker	Goldman	Pugh
Alario	Graham	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Guarisco	Riecke
Avant	Hardee	Robinson
Badeaux	Hayes	Roemer
Bergeron	Haynes	Roy
Blair	Heine	Sandoz
Bollinger	Hernandez	Schmitt
Brien	Jack	Segura
Brown	Jackson, A.	Shannon
Burns	Jackson, J.	Singletary
Burson	Jenkins	Slay
Cannon	Juneau	Smith
Carmouche	Kean	Soniat
Casey	Kelly	Stagg
Champagne	Kilbourne	Stephenson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Thompson
Conroy	Landry, E. J.	Tobias
Corne	Lanier	Toca
Cowen	Leithman	Toomy
D'Gerolamo	Lennox	Ullo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Dennis	Martin	Vick
Derbes	Mauberrret	Wall
Deshotels	Maybuce	Warren
Dunlap	Miller	Wattigny
Edwards	Mire	Willis
Elkins	Munson	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Womack
Fontenot	O'Neill	Zervigon
Fowler	Ourso	
Fulco		
Total—122.		

ABSENT

Delegates—	LeBleu	Thistlethwaite
Alexander	Leigh	Weiss
Bel	Stinson	
Drew	Tate	
Duval		
Total—10.		

The Chairman announced that there were 123 members
present and a quorum.

Prayer

Prayer was offered by Delegate Pugh.

Pledge of Allegiance

Delegate D'Gerolamo led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

On motion of Delegate Roemer, the reading of the Journal
was dispensed with.

On motion of Delegate Roemer, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planhard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 1. Assessment of Property; Classification; Asses-
sors; Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation
shall be listed on the assessment rolls at its assessed valua-
tion which shall be a percentage of its fair market value;
such percentage of fair market value shall be uniform
throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem
taxation and the percentage of fair market value applicable
to each such classification for the purpose of determining
assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land -----	5%
2. Improvements on residential property -----	10%
3. All other property -----	15%

(C) Assessors shall determine the fair market value of all
property subject to taxation within their respective parishes
and districts except public service properties which shall be
valued by the Louisiana Tax Commission. All property sub-
ject to taxation shall be re-appraised at intervals of not
more than five years.

(D) The correctness of assessments by the assessor shall
be subject to review by the governing authority of the parish,
then by the Louisiana Tax Commission, and finally by the
courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, horti-
cultural and timber lands will be assessed for the purpose
of taxation at a percentage of use value rather than fair
market value.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 26, Section 1, when it
adjourned on Thursday, October 20, 1973, which was taken
up and acted upon as follows:

Delegate Anzalone sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Anzalone and Flory to
Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 2

70th Days Proceedings—October 23, 1973

AMENDMENT No. 1—

On page 1, strike out lines 12 through 32, both inclusive, in their entirety and on page 2, delete lines 1 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Assessment of Property; Assessment of Property in Multi-Parish Districts; Limitations

Section 1. (A) Each property subject to ad valorem taxation shall be assessed by the assessor uniformly throughout his parish or district at a percentage of its fair market value or use value, subject to the provisions hereof, and shall be listed by him on the assessment rolls at its assessed valuation. The percentage of fair market value or use value used by the assessor as a basis for determining the assessed valuation shall also be listed on the assessment rolls. Such percentage shall be determined by the assessor; however, a parish or municipal governing authority, by a vote of at least two-thirds of its elected membership may direct the assessor to assess property located within its jurisdiction for the tax purpose of that jurisdiction at a different percentage of its value, but the rate shall be no greater than the maximums and no less than the minimums provided in Paragraph (D) of this Section. Notwithstanding the foregoing, in a parish which has more than one elected assessor, the parish governing authority shall determine the percentage of fair market value or use value to be used for assessment purposes, in accordance with the provisions of Paragraph (D) hereof.

(B) The fair market value of public service properties shall be determined by the Louisiana Tax Commission and these valuations shall be certified to the various assessors, who shall fix the assessed value of such property based upon the percentage of fair market value as provided in Paragraph (D) of this Section.

(C) Agricultural, horticultural, and timber lands shall be assessed for the purpose of taxation at a percentage of use value rather than fair market value.

(D) The assessed valuation of land and improvements, whether residential rental or owner occupied, shall not be less than five percent or more than fifteen percent of current fair market value. The assessed valuation of other property shall not be less than ten percent or more than twenty-five percent of current fair market value. The assessed valuation of agricultural, horticultural and timber lands shall be ten percent of use value.

(E) For all taxes levied by a multi-parish district, the governing authority of such multi-parish district shall fix the percentage of fair market value or use value, which shall be uniform throughout the district, in accordance with Paragraph (D).

(F) The legislature shall provide a uniform method for determining fair market value and use value. All property subject to taxation shall be reappraised on the basis of its current fair market value or use value at least once every five years.

Delegate Winchester suggested the absence of a quorum.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

PRESENT

Delegates—		
Mr. Chairman	Brown	D'Gerolamo
Abraham	Burns	De Blieux
Aertker	Cannon	Dennis
Alario	Carmouche	Derbes
Anzalone	Casey	Deshotels
Arnette	Champagne	Elkins
Asseff	Chatelain	Fayard
Avant	Chehardy	Flory
Badeaux	Comar	Fontenot
Bergeron	Conino	Fowler
Blair	Conroy	Fulco
Bollinger	Corne	Gauthier
Brien	Cowen	Giarrusso

Ginn	Lennox
Goldman	Lowe
Graham	McDaniel
Gravel	Martin
Grier	Mauberret
Guarisco	Maybuce
Hardee	Miller
Hayes	Mire
Heine	Munson
Hernandez	Newton
Jack	Nunez
Jackson, A.	O'Neill
Jackson, J.	Perez
Jenkins	Perkins
Juneau	Planchard
Kean	Pugh
Kelly	Rachal
Kilbourne	Rayburn
Lambert	Reeves
Landrum	Riecke
Landry, A.	Robinson
Landry, E. J.	Roemer
Lanier	Roy
Leithman	Sandoz
Total—110.	

ABSENT NOT VOTING

Alexander	Haynes	Stephenson
Bel	Kilpatrick	Stinson
Burson	LeBleu	Stovall
Dennerly	Leigh	Tate
Drew	Ourso	Thistlethwaite
Dunlap	Segura	Weiss
Duval	Singletary	Womack
Edwards		
Total—22.		

And the Chairman announced that there were 110 members present and a quorum.

Delegate Anzalone moved the adoption of the amendment.

Delegate Mire objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Giarrusso	Soniat
Alario	Jackson, J.	Tobias
Anzalone	Landrum	Toca
Avant	Landry, A.	Toomy
Bergeron	Lanier	Ullo
Casey	Leithman	Velazquez
Chehardy	Maybuce	Vick
Comar	Nunez	Wall
Conino	Perez	Warren
D'Gerolamo	Rachal	Willis
Derbes	Riecke	Wisham
Flory	Schmitt	Zervigon
Total—36.		

NAYS

Delegates—		
Abraham	Deshotels	Jack
Arnette	Elkins	Jackson, A.
Asseff	Fayard	Jenkins
Badeaux	Fontenot	Juneau
Blair	Fowler	Kean
Bollinger	Fulco	Kelly
Brien	Gauthier	Kilbourne
Brown	Ginn	Lambert
Burns	Goldman	Landry, E. J.
Cannon	Graham	Lennox
Carmouche	Gravel	Lowe
Champagne	Grier	McDaniel
Chatelain	Guarisco	Martin
Conroy	Hardee	Mauberret
Corne	Hayes	Miller
De Blieux	Heine	Mire
Dennis	Hernandez	Munson

Newton	Robinson	Stagg
O'Neill	Roemer	Sutherland
Perkins	Roy	Tapper
Planchar	Sandoz	Thompson
Pugh	Shannon	Vesich
Rayburn	Slay	Wattigny
Reeves	Smith	Winchester
Total—72.		

NOT VOTING

Delegates—		
Mr. Chairman	Duval	Singleary
Alexander	Edwards	Stephenson
Bel	Haynes	Stinson
Burson	Kilpatrick	Stovall
Cowen	LeBleu	Tate
Dennery	Leigh	Thistlethwaite
Drew	Ourso	Weiss
Dunlap	Segura	Womack
Total—24.		

And the amendment was rejected.

Delegate Champagne moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Shannon moved the previous question on the Section.

Delegate Mire objected.

By a vote of 8 yeas and 102 nays the Convention refused to order the previous question on the Section.

Delegate Mire sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Mire to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, at the beginning of line 26, delete the word "Assessors" and insert the following:
"Within three years after the effective date of this constitution, assessors"

AMENDMENT No. 2—

On page 1, line 28, place a comma "," after the word "districts"

AMENDMENT No. 3—

On page 1, line 29, after the word and punctuation "Commission." delete the word "All" and insert in lieu thereof the following:
"Thereafter, all"

On motion of Delegate Mire the amendment was withdrawn.

Delegate Mire sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Mire to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, add the following new Paragraph:

"(H) The provisions of this Section shall become effective commencing January 1 of the year following the end of three years after the effective date of this constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully

applicable, notwithstanding any contrary expiration date stated in any provision thereof with respect to the veterans homestead exemption."

AMENDMENT No. 2—

On page 2, between lines 7 and 8, in Floor Amendment No. 2 proposed by Delegate Rayburn and adopted by the convention on October 19, 1973, delete lines 29 through 34, both inclusive, of the text of the amendment, in their entirety

On motion of Delegate Mire the amendments were adopted.

Delegate Mire moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Avant to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 13 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value or its current use value; such percentage of fair market value or current use value shall be uniform throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem taxation and the percentage of fair market value or current use value applicable to each such classification for the purpose of determining assessed valuation are as follows:

CLASSIFICATIONS:

PERCENTAGE

1. Agricultural, Horticultural, and Timber Lands ----- 10% of Current Use Value
2. All Other Lands ----- 10% of Fair Market Value
3. Improvements for Residential Purposes ----- 10% of Fair Market Value
4. All Other Property ----- 15% of Fair Market Value

(C) Assessors shall determine the fair market value and current use value of all property subject to taxation within their respective parishes and districts except public service properties which shall be valued by the Louisiana Tax Commission. All property subject to taxation shall be re-appraised at intervals of not more than five years."

AMENDMENT No. 2—

On page 2, delete lines 4 through 7, both inclusive, in their entirety

On motion of Delegate Avant the amendments were withdrawn.

Delegate Kean sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kean and Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 25 and 26, insert the following:
"The above percentages may be increased, by general law or by a special law applicable to a parish, adopted by a vote of two-thirds of the elected membership of each house, provided no percentage shall exceed twenty percent of the fair market value, and provided, further, that unless such increased percentage is of uniform statewide application, then the homestead exemption shall not be applicable to the increase."

Motion

Delegate O'Neil moved for a suspension in order to allow Delegate Kean an additional five minutes, in excess of that provided by the rules, in order to answer question pertaining to the amendment.

Delegate Newton objected.

By a vote of 79 yeas and 6 nays the rules were suspended.

On motion of Delegate Kean the amendment was withdrawn.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 29 immediately after the word "valued" and before the word "by" insert "at fair market value".

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 30, between the words "re-appraised" and "at" insert the words "at fair market value"

On motion of Delegate Perez the previous question was ordered on the amendment.

On motion of Delegate Perez, and under a suspension of the rules the amendment was withdrawn.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Newton to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, immediately after the word "than" and before the word "years" delete the word "five" and insert in lieu thereof the word "four"

Delegate Newton moved the adoption of the amendment.

Delegate Chehardy objected.

By a vote of 71 yeas and 40 nays the amendment was adopted.

Delegate Newton moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, after the word and punctuation "years." add the following:

"The legislature shall provide a uniform method for de-

termining the fair market value of property throughout the state."

Delegate Abraham moved the adoption of the amendment.

Delegate Mire objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Aertker
Anzalone
Arnette
Burson
Cannon
Casey
Chatelain
Comar
Conroy
Corne
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Deshotels
Elkins
Total—52.

Fayard
Fontenot
Graham
Grier
Hardee
Hayes
Hernandez
Jack
Juneau
Kean
Kelly
Landry, E. J.
Lanier
McDaniel
Maybuce
Miller
Nunez
Ourso

Perez
Perkins
Rachal
Reeves
Robinson
Roemer
Schmitt
Singletary
Smith
Stovall
Sutherland
Tobias
Vick
Warren
Womack
Zervigon

NAYS

Delegates—

Alario
Asseff
Avant
Badeaux
Bergeron
Blair
Bollinger
Brown
Burns
Carmouche
Champagne
Chehardy
Conino
Cowen
Edwards
Flory
Fowler
Fulco
Gauthier
Giarrusso
Total—59.

Goldman
Gravel
Haynes
Jackson, A.
Jackson, J.
Jenkins
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Leithman
Lennox
Lowe
Mauberret
Mire
Newton
O'Neill
Planchard
Pugh

Rayburn
Riecke
Roy
Sandoz
Shannon
Slay
Soniat
Stephenson
Tapper
Thompson
Toca
Toomy
Ullo
Vesich
Wall
Wattigny
Willis
Winchester
Wisham

NOT VOTING

Delegates—

Mr. Chairman
Alexander
Bel
Brien
Drew
Dunlap
Duval
Total—21.

Ginn
Guarisco
Heine
LeBleu
Leigh
Martin
Munson

Segura
Stagg
Stinson
Tate
Thistlethwaite
Velazquez
Weiss

And the amendment was rejected.

Delegate Winchester moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kilpatrick sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Kilpatrick, Kelly, McDaniel, Roemer and Gravel to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 4 through 7, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) The legislature shall provide that bona fide agricultural, horticultural, and timber lands, as defined by general law, will be assessed for the purpose of taxation at ten percent of use value rather than fair market value."

Delegate Kelly moved the adoption of the amendment.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Flory	Newton
Alario	Fontenot	O'Neill
Anzalone	Fowler	Ourso
Arnette	Fulco	Perez
Asseff	Gauthier	Perkins
Avant	Ginn	Planchard
Badeaux	Goldman	Rayburn
Bergeron	Graham	Reeves
Blair	Gravel	Riecke
Bollinger	Grier	Robinson
Brown	Guarisco	Roemer
Burns	Hardee	Roy
Burson	Hernandez	Sandoz
Cannon	Jack	Shannon
Carmouche	Jackson, A.	Singletary
Casey	Jackson, J.	Slay
Champagne	Jenkins	Smith
Chatelain	Juneau	Soniati
Chehardy	Kean	Stagg
Comar	Kelly	Stephenson
Conino	Kilbourne	Stovall
Conroy	Kilpatrick	Sutherland
Corne	Lambert	Thompson
Cowen	Landrum	Tobias
D'Gerolamo	Landry, A.	Toca
De Blieux	Landry, E. J.	Toomy
Dennery	Lanier	Ullo
Dennis	Leithman	Vick
Derbes	Lennox	Wall
Deshotels	Lowe	Warren
Duval	McDaniel	Wattigny
Edwards	Martin	Wisham
Elkins	Miller	Womack
Fayard	Mire	Zervigon
Total—102.		

NAYS

Delegates—

Abraham	Nunez	Vesich
Giarrusso	Pugh	Willis
Mauberrret	Schmitt	
Total—8.		

NOT VOTING

Delegates—

Mr. Chairman	Heine	Tapper
Alexander	LeBleu	Tate
Bel	Leigh	Thistlethwaite
Brien	Maybuce	Velazquez
Drew	Munson	Weiss
Dunlap	Rachal	Winchester
Hayes	Segura	
Haynes	Stinson	
Total—22.		

And the amendment was adopted.

Delegate Kelly moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Convention Floor Amendment No. 1 proposed by Miss Kilpatrick and adopted by the Convention on October 23, 1973, at the end of the language inserted thereby, add the following:

"The legislature may make similar provisions for buildings of historic architectural importance."

Delegate Derbes moved the adoption of the amendment.

Delegate Lennox objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—

YEAS

Abraham	Elkins	Planchard
Anzalone	Fontenot	Pugh
Bergeron	Fulco	Riecke
Bollinger	Gauthier	Roemer
Brown	Grier	Sandoz
Carmouche	Hardee	Schmitt
Casey	Jackson, J.	Segura
Champagne	Jenkins	Shannon
Comar	Kean	Smith
Conino	Kelly	Soniati
Conroy	Kilpatrick	Stagg
Corne	Landrum	Tobias
Cowen	McDaniel	Toomy
De Blieux	Mauberrret	Vesich
Dennis	Newton	Warren
Derbes	Nunez	Wattigny
Deshotels	Perez	Willis
Duval	Perkins	Zervigon
Total—54.		

NAYS

Delegates—

Alario	Goldman	Mire
Arnette	Graham	O'Neill
Asseff	Gravel	Rayburn
Avant	Guarisco	Reeves
Badeaux	Hayes	Robinson
Blair	Haynes	Roy
Burns	Hernandez	Singletary
Burson	Jack	Slay
Cannon	Jackson, A.	Stephenson
Chatelain	Juneau	Stovall
Chehardy	Kilbourne	Sutherland
D'Gerolamo	Landry, A.	Thompson
Dennery	Landry, E. J.	Toca
Fayard	Lanier	Ullo
Flory	Leithman	Winchester
Fowler	Lennox	Wisham
Giarrusso	Lowe	Womack
Ginn	Martin	
Total—53.		

NOT VOTING

Delegates—

Mr. Chairman	Lambert	Tapper
Aertker	LeBleu	Tate
Alexander	Leigh	Thistlethwaite
Bel	Maybuce	Velazquez
Brien	Miller	Vick
Drew	Munson	Wall
Dunlap	Ourso	Weiss
Edwards	Rachal	
Heine	Stinson	
Total—25.		

And the amendment was adopted.

Delegate Derbes moved to reconsider the vote by which

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the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as reengrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Convention Floor Amendment No. 1 proposed by Miss Kilpatrick, et al., and adopted by the Convention on October 23, 1973, on line 1 of the language added by said amendment, strike out the words "The legislature shall provide that bona" and insert in lieu thereof the word "Bona"

Delegate Pugh moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

Delegates—

YEAS

Abraham	Fontenot	Perkins
Alario	Fowler	Planchard
Anzalone	Fulco	Pugh
Arnette	Giarrusso	Rayburn
Asseff	Ginn	Reeves
Avant	Goldman	Riecke
Badeaux	Graham	Robinson
Bergeron	Gravel	Roemer
Blair	Grier	Sandoz
Bollinger	Guarisco	Schmitt
Brown	Hardee	Segura
Burns	Hayes	Shannon
Burson	Haynes	Singletary
Cannon	Hernandez	Slay
Carmouche	Jack	Smith
Casey	Jackson, A.	Soniat
Champagne	Jackson, J.	Stagg
Chatelain	Jenkins	Stephenson
Chehardy	Juneau	Stovall
Comar	Kean	Sutherland
Conino	Kelly	Thompson
Corne	Kilpatrick	Toca
Cowen	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullio
De Blieux	Lanier	Vick
Denberry	Lennox	Warren
Dennis	Lowe	Wattigny
Derbes	McDaniel	Willis
Deshotels	Martin	Winchester
Duval	Mire	Wisham
Elkins	Newton	Womack
Fayard	Nunez	Zervigon
Flory	Perez	
Total—98.		

NAYS

Delegates—

Conroy	Landrum	Tobias
Gauthier	Mauberet	Vesich
Total—6.		

NOT VOTING

Delegates—

Mr. Chairman	Lambert	Rachal
Aertker	LeBleu	Roy
Alexander	Leigh	Stinson
Bel	Leithman	Tapper
Brien	Maybuce	Tate
Drew	Miller	Thistlethwaite
Dunlap	Munson	Velazquez
Edwards	O'Neill	Wall
Heine	Ourso	Weiss
Kilbourne		
Total—28.		

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Lennox moved that the Convention take up other Orders of Business at this time.

As a substitute Delegate Thompson moved the previous question on the Section.

Delegate Lennox objected.

On motion of Delegate Thompson the substitute motion was withdrawn.

Delegate Lennox insisted upon his original motion to take up other Orders of Business at this time.

Delegate Abraham objected.

By a vote of 67 yeas and 33 nays the Convention took up other Orders of Business at this time.

Leaves of Absence

Delegate Dunlap—3 days.

Delegate Stinson—1 day.

Delegate Tate—1 day.

Delegate Thistlethwaite—2 days.

Delegate Bel—1 day.

Delegate Duval—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, October 24, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, October 24, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SEVENTY-FIRST DAY'S PROCEEDINGS

**of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature**

Wednesday, October 24, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll was called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Ourso
Abraham	Gauthier	Perez
Aertker	Giarrusso	Perkins
Alario	Ginn	Planchard
Alexander	Goldman	Pugh
Anzalone	Graham	Rachal
Arnette	Gravel	Reeves
Asseff	Grier	Riecke
Avant	Guarisco	Robinson
Badeaux	Hardee	Roemer
Bel	Hayes	Roy
Bergeron	Haynes	Sandoz
Blair	Heine	Schmitt
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Brown	Jackson, A.	Singletary
Burns	Jackson, J.	Slay
Burson	Jenkins	Smith
Cannon	Juneau	Soniati
Carmouche	Kean	Stagg
Casey	Kelly	Stephenson
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Lambert	Sutherland
Comar	Landrum	Tapper
Conino	Landry, A.	Tate
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lennox	Ullo
Denberry	Lowe	Velazquez
Dennis	McDaniel	Vesich
Derbes	Martin	Vick
Deshotels	Mauberrret	Wall
Duval	Maybuce	Warren
Edwards	Miller	Wattigny
Elkins	Mire	Willis
Fayard	Munson	Winchester
Flory	Newton	Wisham
Fontenot	Nunez	Womack
Fowler	O'Neill	Zervigon
Total—126.		

ABSENT

Delegates—		
Drew	Leigh	Thistlethwaite
Dunlap	Rayburn	Weiss
Total—6.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Landrum.

Pledge of Allegiance

Delegate Leithman led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Bel, the reading of the Journal
was dispensed with.

On motion of Delegate Bel, the Journal of yesterday was
adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposal
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 1. Assessment of Property; Classification; Asses-
sors; Right of Taxpayer

Section 1. (A) All property subject to ad valorem taxation
shall be listed on the assessment rolls at its assessed valua-
tion which shall be a percentage of its fair market value;
such percentage of fair market value shall be uniform
throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem
taxation and the percentage of fair market value applicable
to each such classification for the purpose of determining
assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land	5%
2. Improvements on residential property	10%
3. All other property	15%

(C) Assessors shall determine the fair market value of all
property subject to taxation within their respective parishes
and districts except public service properties which shall be
valued by the Louisiana Tax Commission. All property sub-
ject to taxation shall be re-appraised at intervals of not
more than five years.

(D) The correctness of assessments by the assessor shall
be subject to review by the governing authority of the parish,
then by the Louisiana Tax Commission, and finally by the
courts in accordance with procedures established by law.

(E) The legislature may provide that agricultural, horti-
cultural and timber lands will be assessed for the purpose
of taxation at a percentage of use value rather than fair
market value.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 26, Section 1, when it
adjourned on Tuesday, October 23, 1973, which was taken
up and acted upon as follows:

Delegate Nunez sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Nunez, Perez, A. Lan-
dry, Lanier, Alario, LeBleu, Bollinger and Guarisco to Com-
mittee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 2, in Convention Floor Amendment No. 1 proposed by Miss Kilpatrick and adopted by the Convention on October 23, 1973, on line 2 of the language added thereby, immediately after the word and punctuation "horticultural," insert the following:
"marsh lands,"

Delegate A. Landry moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 83 yeas and 28 nays the amendment was adopted.

Delegate A. Landry moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

On page 2, between lines 7 and 8, after Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, delete Floor Amendment No. 1 proposed by Delegate J. Jackson, and adopted by the Convention on October 20, 1973.

Point of Order

Delegate Gravel suggest that the amendment was out of order in that the subject matter contained in the amendment has been previously considered and disposed of, and asked a ruling from the Chair.

Ruling of the Chair

The Chair ruled the amendment out of order at this time.

On motion of Delegate Chatelain the amendment was withdrawn.

Delegate Chatelain sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Weiss and Chatelain to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, between lines 7 and 8, in Floor Amendment No. 2, proposed by Delegate Rayburn, and adopted by the Convention on October 19, 1973, after the language added by the amendment, add the following:

"Notwithstanding anything in this Constitution to the contrary, in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide for tax relief to residential lessees in the form of credits or rebates only if the estimation of all administrative expenses does not exceed the total credits and rebates authorized."

AMENDMENT No. 2—

On page 2, between lines 7 and 8, delete Floor Amendment No. 1 proposed by Delegate J. Jackson and adopted by the Convention on October 20, 1973.

On motion of Delegate Chatelain the amendments were withdrawn.

Delegate Gauthier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gauthier, Perez, Perkins, Nunez and Kean to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 31, after the word and punctuation "years," add the following:

"Fair market value and use value of property shall be determined in accordance with criteria which shall be established by the legislature and which shall be uniformly applicable throughout the state."

Motion

Delegate Shannon moved the previous question on the entire subject matter.

Delegate Burson objected.

By a vote of 19 yeas and 87 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Gauthier moved the adoption of the amendment.

Delegate Mire objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Deshotels	McDaniel
Aertker	Duval	Martin
Alexander	Elkins	Mauberrert
Anzalone	Fontenot	Miller
Arnette	Gauthier	Nunez
Bel	Giarrusso	Perez
Bergeron	Ginn	Perkins
Bollinger	Grier	Roemer
Brien	Guarisco	Sandoz
Burson	Hardee	Shannon
Casey	Heine	Soniati
Champagne	Hernandez	Stagg
Chatelain	Jack	Stovall
Comar	Juneau	Sutherland
Conroy	Kilbourne	Thompson
Corne	Kilpatrick	Velazquez
Cowen	Landrum	Vesich
De Blieux	Landry, E. J.	Vick
Dennery	Lanier	Warren
Dennis	Lennox	Wisham
Derbes	Lowe	Zervigon
Total—63.		

NAYS

Delegates—		
Alario	Hayes	Roy
Asseff	Haynes	Schmitt
Avant	Jackson, A.	Segura
Badeaux	Lambert	Singletary
Blair	Landry, A.	Slay
Brown	LeBleu	Smith
Burns	Leithman	Stinson
Cannon	Maybuce	Tapper
Carmouche	Mire	Tobias
Chehardy	Munson	Toca
Conino	Newton	Toomy
D'Gerolamo	O'Neill	Ullo
Flory	Planchard	Wattigny
Fowler	Pugh	Willis
Fulco	Reeves	Winchester
Goldman	Riecke	Womack
Gravel	Robinson	
Total—50.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Kean
Drew	Graham	Kelly
Dunlap	Jackson, J.	Leigh
Edwards	Jenkins	Ourso

Rachal	Tate	Weiss
Rayburn	Thistlethwaite	
Stephenson	Wall	
Total—19.		

And the amendment was adopted.

Delegate Gauthier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 29, after the words "Louisiana Tax Commission." delete the remainder of the line and delete lines 30 and 31, both inclusive, in their entirety exclusive of the language added by Convention Floor Amendment No. 1 proposed by Mr. Gauthier, et al, and adopted by the Convention on October 24, 1973.

AMENDMENT No. 2—

On page 2, between lines 7 and 8, after the paragraph F added by Convention Floor Amendment No. 2 proposed by Mr. Rayburn and adopted by the Convention on October 19, 1973 and prior to Paragraph H added by Floor Amendment No. 1 proposed by Mr. Mire and adopted by the Convention on October ----, 1973, insert the following:

"(G) All property subject to taxation shall be reappraised and valued in accordance with the provisions of this Section at intervals of not more than four years."

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Mire moved the previous question on the entire subject matter.

Delegate Burson objected.

By a vote of 49 yeas and 53 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Casey sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Casey to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 23 in its entirety, including that portion of Floor Amendment No. 1 proposed by Delegate Mire and adopted by the convention on October 17, 1973, affecting said line 23, and insert in lieu thereof the following on line 23:

"1. All land -----15%"

AMENDMENT No. 2—

On page 1, delete line 24 in its entirety, including that portion of Floor Amendment No. 1, proposed by Delegate Mire, and adopted by the convention on October 17, 1973, affecting said line 24, and insert in lieu thereof the following on line 24:

"2. Improvements for residential purposes -----15%"

AMENDMENT No. 3—

On page 1, at the end of line 25, change the figure "15%" to "20%"

On motion of Delegate Lowe a division of the question was ordered.

Motion

Delegate Reeves moved the previous question on the amendment.

Delegate Landrum objected.

By a vote of 14 yeas and 81 nays the Convention refused to order the previous question at this time.

Delegate Casey moved the adoption of the amendment No. 1.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fontenot	Roemer
Bel	Gauthier	Sandoz
Bergeron	Giarrusso	Schmitt
Burson	Guarisco	Soniat
Casey	Heine	Stagg
Champagne	Jackson, A.	Stovall
Conroy	Jackson, J.	Sutherland
De Blieux	Kean	Velazquez
Dennery	Landrum	Vick
Dennis	Lennox	Warren
Derbes	Rachal	Zervigon
Total—33.		

NAYS

Delegates—		
Aertker	Goldman	O'Neill
Alario	Graham	Perez
Alexander	Gravel	Perkins
Anzalone	Grier	Planchard
Arnette	Hardee	Pugh
Asseff	Hayes	Reeves
Avant	Hernandez	Riecke
Badeaux	Jack	Robinson
Blair	Jenkins	Roy
Bollinger	Kelly	Segura
Brien	Kilbourne	Shannon
Burns	Kilpatrick	Singletary
Cannon	Lambert	Slay
Carmouche	Landry, A.	Smith
Chatelain	Landry, E. J.	Stephenson
Chehardy	Lanier	Stinson
Comar	LeBleu	Thompson
Conino	Leithman	Toca
Corne	Lowe	Toomy
Cowen	McDaniel	Ullo
D'Gerolamo	Martin	Vesich
Deshotels	Mauberret	Wall
Edwards	Maybuce	Wattigny
Elkins	Miller	Willis
Flory	Mire	Winchester
Fowler	Munson	Wisham
Fulco	Newton	Womack
Ginn	Nunez	
Total—83.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Tate
Brown	Juneau	Thistlethwaite
Drew	Leigh	Tobias
Dunlap	Ourso	Weiss
Duval	Rayburn	
Fayard	Tapper	
Total—16.		

And the amendment was rejected.

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Delegate Slay moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey moved the adoption of Amendment No. 2.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fontenot	Riecke
Aertker	Gauthier	Robinson
Alexander	Giarrusso	Roemer
Bel	Guarisco	Sandoz
Burson	Heine	Soniat
Casey	Jackson, J.	Stagg
Champagne	Kean	Sutherland
Conroy	Landrum	Velazquez
De Blieux	Lennox	Vick
Dennery	Lowe	Warren
Dennis	Rachal	Zervigon
Derbes		

Total—34.

NAYS

Delegates—

Alario	Graham	Perkins
Anzalone	Gravel	Planchard
Arnette	Grier	Pugh
Asseff	Hardee	Reeves
Avant	Hayes	Roy
Badeaux	Hernandez	Schmitt
Bergeron	Jack	Segura
Blair	Jackson, A.	Shannon
Bollinger	Jenkins	Singletary
Brien	Kelly	Slay
Burns	Kilbourne	Smith
Cannon	Kilpatrick	Stephenson
Carmouche	Lambert	Stinson
Chatelain	Landry, A.	Stovall
Chehardy	Landry, E. J.	Thompson
Comar	Lanier	Tobias
Conino	LeBleu	Toca
Corne	Leithman	Toomy
Cowen	McDaniel	Ullo
D'Gerolamo	Martin	Vesich
Deshotels	Maubert	Wall
Edwards	Miller	Wattigny
Elkins	Mire	Winchester
Flory	Munson	Wisham
Fowler	Newton	Womack
Fulco	Nunez	
Ginn	O'Neill	
Goldman	Perez	

Total—82.

NOT VOTING

Delegates—

Mr. Chairman	Haynes	Tapper
Brown	Juneau	Tate
Drew	Leigh	Thistlethwaite
Dunlap	Maybuce	Weiss
Duval	Ourso	
Fayard	Rayburn	

Total—16.

And the amendment was rejected.

Delegate Slay moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Casey moved the adoption of Amendment No. 3.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Derbes	Robinson
Alexander	Flory	Roemer
Avant	Gauthier	Soniat
Bel	Giarrusso	Stovall
Burson	Jackson, J.	Sutherland
Carmouche	Landrum	Velazquez
Casey	Lennox	Vick
Champagne	Lowe	Warren
De Blieux	Newton	Willis
Dennery	Rachal	Zervigon
Dennis	Reeves	
Total—32.		

NAYS

Abraham	Graham	Perez
Alario	Gravel	Perkins
Anzalone	Grier	Planchard
Arnette	Guarisco	Pugh
Asseff	Hardee	Riecke
Badeaux	Hayes	Roy
Bergeron	Heine	Sandoz
Blair	Hernandez	Schmitt
Bollinger	Jack	Segura
Brien	Jackson, A.	Shannon
Burns	Jenkins	Singletary
Cannon	Kean	Slay
Chatelain	Kelly	Smith
Chehardy	Kilbourne	Stagg
Comar	Kilpatrick	Stephenson
Conino	Landry, A.	Stinson
Conroy	Landry, E. J.	Thompson
Corne	Lanier	Tobias
Cowen	LeBleu	Toca
D'Gerolamo	Leithman	Toomy
Deshotels	McDaniel	Ullo
Edwards	Martin	Vesich
Elkins	Maubert	Wall
Fontenot	Miller	Wattigny
Fowler	Mire	Winchester
Fulco	Munson	Wisham
Ginn	Nunez	Womack
Goldman	O'Neill	
Total—83.		

NOT VOTING

Mr. Chairman	Haynes	Rayburn
Brown	Juneau	Tapper
Drew	Lambert	Tate
Dunlap	Leigh	Thistlethwaite
Duval	Maybuce	Weiss
Fayard	Ourso	
Total—17.		

And the amendment was rejected.

Delegate Slay moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Thompson moved that the rules be suspended in order to limit debate on each amendment to five minutes for proponents and five minutes for opponents.

Delegate Kean objected.

By a vote of 27 yeas and 75 nays the Convention refused to suspend the rules.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

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AMENDMENT No. 1—

On page 1, at the end of line 16, delete "through-" and at the beginning of line 17 delete "out the state" and insert in lieu thereof "within each parish or multi-parish district"

AMENDMENT No. 2—

On page 1, delete lines 24 and 25 in their entirety and insert in lieu thereof the following:

- "2. Improvements for Residential Purposes ----- 10-15%
3. All Other Property ----- 15-20%"

AMENDMENT No. 3—

On page 1, delete lines 26 through 31, both inclusive, in their entirety Exclusive of Convention Floor Amendment No. 1 proposed by Mr. Gauthier and adopted by the Convention on October 24, 1973, and insert in lieu thereof the following paragraph:

"(C) Assessors shall determine the fair market value of all property subject to taxation within their respective parishes and districts and the percentage thereof to be used to determine assessed valuation. However, the assessors of the parishes comprising all or part of a multi-parish district shall determine the fair market value of all property subject to taxation by the multi-parish district and the percentage thereof to be used to determine assessed valuation. All public service properties shall be valued by the Louisiana Tax Commission.

The percentage of fair market value first used after the effective date of this constitution in determining assessed value shall not be changed unless and until the percentages set forth in Paragraph (B) of this Section are changed by constitutional amendment.

Delegate Burson moved the adoption of the amendments.

Delegate Winchester objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Derbes	Rachal
Alexander	Fontenot	Robinson
Anzalone	Fowler	Sandoz
Arnette	Giarrusso	Schmitt
Bel	Heine	Soniati
Bergeron	Jackson, J.	Stagg
Burson	Kean	Stovall
Casey	Landrum	Sutherland
Champagne	LeBleu	Velazquez
Comar	Miller	Warren
Dennery	Perez	Zervigon
Total—33.		

NAYS

Delegates—		
Abraham	Deshotels	Lambert
Alario	Elkins	Landry, A.
Asseff	Flory	Landry, E. J.
Avant	Fulco	Lanier
Badeaux	Gauthier	Leithman
Blair	Ginn	Lennox
Bollinger	Goldman	Lowe
Brien	Graham	McDaniel
Burns	Gravel	Martin
Cannon	Grier	Mauberrert
Carmouche	Guarisco	Maybuce
Chatelain	Hardee	Mire
Chehardy	Hayes	Munson
Conino	Hernandez	Newton
Conroy	Jack	Nunez
Corne	Jackson, A.	O'Neill
Cowen	Jenkins	Ours
D'Gerolamo	Kelly	Perkins
De Blieux	Kilbourne	Planchard
Dennis	Kilpatrick	Pugh

Reeves
Riecke
Roemer
Roy
Segura
Shannon
Singletary
Slay
Total—84.

Smith
Stephenson
Stinson
Tapper
Thompson
Tobias
Toca
Toomy

Ullo
Vesich
Vick
Wall
Wattigny
Willis
Winchester
Wisham

NOT VOTING

Delegates—

Mr. Chairman
Brown
Drew
Dunlap
Duval
Total—15.

Edwards
Fayard
Haynes
Juneau
Leigh

Rayburn
Tate
Thistlethwaite
Weiss
Womack

And the amendment was rejected.

Delegate Winchester moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 25 and 26, insert the following Paragraph:

"Commencing with the first regular session in the year following the end of three years after the effective date of this constitution, and thereafter at five year intervals, the legislature shall fix the percentage, not to exceed twenty-five percent, of fair market value applicable to each classification, including agricultural, horticultural and timber lands, for the purpose of determining assessed valuation. Land of all types and improvements for residential purposes shall not be assessed at a greater percentage of market value than other property, and the maximum percentage fixed for any classification shall not be more than one-half higher than the minimum percentage."

On motion of Delegate Slay the previous question was ordered on the amendment.

Delegate Dennery moved for a suspension of the rules in order to withdraw the amendment.

Delegate Winchester objected.

By a vote of 99 yeas and 6 nays the rules were suspended.

On motion of Delegate Dennery the amendment was withdrawn.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, between lines 25 and 26, insert the following Paragraph:

"Commencing with the first regular session in the year following the end of three years after the effective date of this constitution, and thereafter at five year intervals, the legislature shall fix the percentage, not to exceed twenty-five percent, of fair market value or use value applicable to each classification, including agricultural, horticultural and timber lands, for the purpose of determining assessed valuation. Land of all types and improvements for residential purposes shall not be assessed at a greater percentage of market value or use value than other property, and the maximum percentage fixed for any classification shall not be more than one-half higher than the minimum percentage."

Delegate Dennery moved the adoption of the amendment.

Delegate Slay objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Robinson
Alexander	Goldman	Schmitt
Bel	Guarisco	Soniat
Bergeron	Hayes	Stagg
Burson	Heine	Sutherland
Carmouche	Jackson, A.	Tobias
Casey	Jackson, J.	Velazquez
Cowen	Kean	Vick
De Blieux	Landrum	Warren
Dennery	Landry, A.	Wisham
Derbes	Newton	Zervigon
Deshotels	Perkins	
Total—38.		

NAYS

Delegates—		
Alario	Fulco	Nunez
Anzalone	Ginn	O'Neill
Arnette	Graham	Ourso
Asseff	Gravel	Perez
Avant	Grier	Planchard
Badeaux	Hardee	Pugh
Blair	Hernandez	Reeves
Bollinger	Jack	Riecke
Brien	Jenkins	Roemer
Burns	Kelly	Roy
Cannon	Kilbourne	Sandoz
Champagne	Kilpatrick	Segura
Chatelain	Lambert	Shannon
Chehardy	Landry, E. J.	Singletary
Comar	Lanier	Slay
Conino	LeBleu	Smith
Conroy	Leithman	Stephenson
Corne	Lennox	Stinson
D'Gerolamo	Lowe	Thompson
Dennis	McDaniel	Toomy
Duval	Martin	Ullo
Edwards	Mauberrert	Vesich
Elkins	Maybuce	Wattigny
Flory	Miller	Willis
Fontenot	Mire	Winchester
Fowler	Munson	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Juneau	Thistlethwaite
Brown	Leigh	Toca
Drew	Rayburn	Wall
Dunlap	Stovall	Weiss
Fayard	Tapper	Womack
Haynes	Tate	
Total—17.		

And the amendment was rejected.

Delegate Slay moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 1, was read, as amended.

Delegate Mire moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Gravel	Perkins
Abraham	Grier	Planchard
Aertker	Guarisco	Pugh
Alario	Hardee	Rachal
Arnette	Hayes	Reeves
Asseff	Heine	Riecke
Badeaux	Hernandez	Robinson
Blair	Jack	Roemer
Bollinger	Jackson, A.	Roy
Brien	Kean	Sandoz
Burns	Kelly	Segura
Cannon	Kilbourne	Shannon
Carmouche	Kilpatrick	Slay
Champagne	Lambert	Smith
Chatelain	Landry, A.	Stagg
Chehardy	Landry, E. J.	Stephenson
Comar	Lanier	Tapper
Conino	LeBleu	Tate
Conroy	Leithman	Thompson
Corne	Lennox	Tobias
Cowen	Lowe	Toca
D'Gerolamo	McDaniel	Toomy
Dennis	Martin	Ullo
Deshotels	Mauberrert	Velazquez
Duval	Miller	Vesich
Edwards	Mire	Vick
Elkins	Munson	Wall
Fowler	Newton	Warren
Fulco	Nunez	Wattigny
Gauthier	O'Neill	Willis
Ginn	Ourso	Winchester
Goldman	Perez	Wisham
Graham		
Total—97.		

NAYS

Delegates—		
Alexander	Dennery	Maybuce
Anzalone	Derbes	Schmitt
Avant	Flory	Singletary
Bel	Fontenot	Soniat
Bergeron	Giarrusso	Stinson
Burson	Jackson, J.	Sutherland
Casey	Jenkins	Zervigon
De Blieux	Landrum	
Total—23.		

NOT VOTING

Delegates—		
Brown	Haynes	Stovall
Drew	Juneau	Thistlethwaite
Dunlap	Leigh	Weiss
Fayard	Rayburn	Womack
Total—12.		

And the Chair declared that the above Section was passed.

Delegate Mire moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 2. Rate of State Property Taxation; Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

Read.

Passage

Delegate Alario moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Anzalone	Bel
Abraham	Arnette	Bergeron
Aertker	Asseff	Blair
Alario	Avant	Brien
Alexander	Badeaux	Burns

Cannon	Hayes	Pugh
Carmouche	Heine	Rachal
Casey	Hernandez	Reeves
Chatelain	Jack	Riecke
Chehardy	Jackson, A.	Robinson
Comar	Jackson, J.	Roemer
Conino	Jenkins	Sandoz
Conroy	Kean	Segura
Corne	Kelly	Singletary
Cowen	Kilbourne	Slay
D'Gerolamo	Kilpatrick	Soniat
Denberry	Landry, E. J.	Stephenson
Dennis	LeBleu	Stinson
Deshotels	Leithman	Sutherland
Duval	Lowe	Tapper
Edwards	McDaniel	Tate
Elkins	Martin	Thompson
Fayard	Mauberret	Toca
Flory	Maybuce	Toomy
Fowler	Miller	Ullo
Fulco	Mire	Vesich
Gauthier	Munson	Vick
Giarrusso	Newton	Wall
Ginn	Nunez	Wattigny
Goldman	O'Neill	Willis
Graham	Ourso	Winchester
Gravel	Perez	Wisham
Grier	Perkins	Womack
Hardee	Planchard	
Total—101.		

NAYS

Delegates—		
Bollinger	Landrum	Smith
Burson	Landry, A.	Stagg
Champagne	Lanier	Tobias
De Blieux	Lennox	Velazquez
Derbes	Schmitt	Warren
Fontenot	Shannon	Zervigon
Guarisco		
Total—19.		

NOT VOTING

Delegates—		
Brown	Juneau	Roy
Drew	Lambert	Stovall
Dunlap	Leigh	Thistlethwaite
Haynes	Rayburn	Weiss
Total—12.		

And the Chair declared that the above Section was passed.

Delegate Alario moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Louis "Woody" Jenkins sent up the following Explanation of Vote with respect to the passage of Section 2 of Committee Proposal No. 26.

"Although I strongly oppose granting authority to levy ad valorem property taxes to state government, I am casting my vote in favor of Section 2 in order to limit any such state taxes to five and three-quarters mills. If this section were deleted, the legislature could levy property taxes without limitation."

Section 3. Homestead Exemption; Other Property Exemptions

Section 3. The following property shall be exempt from ad valorem taxation: (A) Homesteads. From state, parish, and special taxes, the homestead, bona fide, consisting of a tract of land, or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of five thousand dollars of the assessed valuation. However, veterans and

persons sixty-five years or older shall be provided with a homestead exemption of six thousand dollars of the assessed valuation. No exemption shall extend to any municipal or city taxes except the following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; (2) to any municipal or city taxes levied for school purposes. The exemption of homesteads shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title thereto is in either husband or wife, provided that this exemption shall not be extended to more than one homestead owned by the husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by religious; denominations and used as residences for clergy or religious; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial nor shall it apply to lands held for development as places for burial, when so held for profit; universities, schools and colleges; places devoted to charitable undertakings; hospitals, nursing homes, homes for the aged, convalescent and rehabilitation facilities, institutions for treatment, rehabilitation and care of the physically and mentally handicapped or retarded, orphanages, child and/or day care centers which are organized as non-profit corporations under the Louisiana Non-profit Corporations Law or which are exempt from federal and state income taxation law which are licensed or regulated by the state of Louisiana; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same; but exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process.

No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

Delegate Mire sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Mire to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 12 through 32, both inclusive, in their entirety and on page 3, delete lines 1 through 4, both

inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Other Property Exemptions

Section 3. In addition to the homestead exemption provided for in Section 1 of this Article, the following property shall be exempt from ad valorem taxation:

(A) All public property."

On motion of Delegate Mire the amendment was adopted.

Delegate Mire moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Newton sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Newton, Roemer, Duval, Lanier, Guarisco and Conroy to Committee Proposal No. 26 by Delegate Rayburn, et al,

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 12 through 32, both inclusive, in their entirety and on page 3, delete lines 1 through 32, both inclusive, in their entirety, and on page 4, delete lines 1 through 32, both inclusive, in their entirety and on page 5, delete lines 1 through 32, both inclusive, in their entirety, and on page 6 delete lines 1 through 32, both inclusive, in their entirety, and on page 7, delete lines 1 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Other Property Exemptions

Section 3. The exemptions from ad valorem taxes provided by Article X, Section 4, of the Constitution of 1921, as amended are retained in effect. The legislature, by favorable vote of two-thirds of the elected members of each house, may exempt other property from ad valorem taxes, and amend or repeal any exemption. This Section shall not apply to homestead exemptions as provided in Section 1 of this Article."

On motion of Delegate Newton the amendment was withdrawn.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Floor Amendment No. 1 proposed by Delegate Mire and adopted by the Convention on October 24, 1973, on line 6 of the text of the amendment, after the word "property" and before the period "." insert the following: "used for public purposes"

Delegate Pugh moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 84 yeas and 20 nays the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Planchard sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Planchard and Comar to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 6, immediately after "gious" delete the semicolon ";"

AMENDMENT No. 2—

On page 2, line 20, immediately after the word "law" and before the word "which" insert the word "and"

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AMENDMENT No. 3—

On page 3, line 23, immediately after the word "but" and and before the word "exemption" insert the word "the"

On motion of Delegate Planchard the amendments were adopted.

Delegate Pugh moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Abraham the rules were suspended in order to call a meeting of the Committee on Transitional Measures of the Committee on the Executive Department without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Abraham, chairman of the Sub-Committee on Transitional Measures of the Committee on the Executive Department, sent up the following notice:

The Sub-Committee on Transitional Measures of the Committee on the Executive Department will meet on Thursday, October 25, 1973, at 12:00 o'clock Noon in Independence Hall and will consider the following agenda:

AGENDA

To consider transitional measures relating the the Executive Department.

Respectfully submitted,

MACK ABRAHAM,
Chairman of the Sub-Committee on
Transitional Measures of the Committee on
the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Zervigon, chairman of the Committee on Legislative Liaison and Transitional Measures, sent up the following notice:

The Committee on Legislative Liaison and Transitional Measures will meet on Friday, October 26, 1973, at 12:00 o'clock Noon in White House Inn and will consider the following agenda:

AGENDA

To consider disposition of transitional measures as provided in the Committee's Resolution and other matters relating to transitional measures.

Respectfully submitted,

MARY ZERVIGON,
Chairman of the Committee on
Legislative Liaison and Transitional Measures

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Weiss—1 day.
Delegate Rayburn—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, October 25, 1973, at 9:30 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, October 25, 1973, at 9:30 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA

SEVENTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, October 25, 1973, Baton Rouge, La.

The Convention was called to order at 9:30 o'clock a.m., by
Hon. T. L. Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Nunez
Abraham	Fulco	O'Neill
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Alexander	Ginn	Planchard
Anzalone	Goldman	Pugh
Arnette	Graham	Rachal
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Riecke
Bel	Hardee	Roemer
Bergeron	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jack	Singletary
Burns	Jackson, A.	Slay
Burson	Jackson, J.	Smith
Cannon	Jenkins	Soniat
Carmouche	Juneau	Stagg
Casey	Kean	Stephenson
Champagne	Kelly	Stinson
Chatelain	Kilbourne	Stovall
Chehardy	Kilpatrick	Sutherland
Comar	Lambert	Tapper
Conino	Landrum	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
De Blieux	Leigh	Velazquez
Denberry	Leithman	Vesich
Dennis	Lennox	Vick
Deshotels	Lowe	Warren
Drew	McDaniel	Wattigny
Dunlap	Martin	Weiss
Duval	Mauberrert	Willis
Edwards	Maybuce	Winchester
Elkins	Miller	Wisham
Fayard	Mire	Womack
Flory	Munson	Zervigon
Fontenot	Newton	
Total—125.		

ABSENT

Delegates—		
Derbes	Roy	Thistlethwaite
Ourso	Tate	Wall
Robinson		
Total—7.		

The Chairman announced that there were 125 members
present and a quorum.

Prayer

Prayer was offered by Delegate Tobias.

Pledge of Allegiance

Delegate Conroy led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Lennox, the reading of the Journal
was dispensed with.

On motion of Delegate Lennox, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposal
Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

**Section 3. Homestead Exemption; Other Property Exemp-
tions**

Section 3. The following property shall be exempt from ad
valorem taxation: (A) Homesteads. From state, parish, and
special taxes, the homestead, bona fide, consisting of a tract
of land, or two or more tracts of land with a residence on
one tract and a field, pasture, or garden on the other tract
or tracts, not exceeding one hundred and sixty acres, build-
ings and appurtenances, whether rural or urban, owned and
occupied by any person, in the full amount of five thousand
dollars of the assessed valuation. However, veterans and
persons sixty-five years or older shall be provided with a
homestead exemption of six thousand dollars of the as-
sessed valuation. No exemption shall extend to any munici-
pal or city taxes except the following: (1) in Orleans Parish
this exemption shall apply to the state, the general city, the
school, the levee, and levee board taxes; (2) to any munici-
pal or city taxes levied for school purposes. The exemption
of homestead shall extend to the surviving spouse or minor
child or children of a deceased owner and to the bona fide
homestead when occupied as such and title thereto is in
either husband or wife, provided that this exemption shall
not be extended to more than one homestead owned by the
husband or wife.

(B) All public property

(C) Places of religious worship; property owned by reli-
gious denominations and used as residences for clergy or
religious; places of burial, and property held by any religious
denomination or nonprofit corporation or organization for
burial purposes, but the exemption shall not apply to unsold
lots, crypts, or places for burial nor shall it apply to lands
held for development as places for burial, when so held for
profit; universities, schools and colleges; places devoted to
charitable undertakings; hospitals, nursing homes, homes for
the aged, convalescent and rehabilitation facilities, institu-
tions for treatment, rehabilitation and care of the physically
and mentally handicapped or retarded, orphanages, child
and/or day care centers which are organized as non-profit
corporations under the Louisiana Non-profit Corporations
Law or which are exempt from federal and state income
taxation law which are licensed or regulated by the state of
Louisiana; organizations such as lodges and clubs organized
for charitable and fraternal purposes and practicing the same;

but exemption shall extend only to property, and grounds thereunder appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 26, Section 3, when it adjourned on Wednesday, October 24, 1973, which was taken up and acted upon as follows:

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Velazquez, Burson, Warren, A. Landry and Badeaux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 6, after the words "denominations and" and before the word "used" insert the words "religious orders"

On motion of Delegate Velazquez the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Rayburn the rules were suspended in order to allow a member of the Committee on Revenue, Finance and Taxation to explain Committee Proposal No. 26, Section 3, with regard to exemptions and deletion of exemptions not presently in the 1921 Constitution.

Chairman Henry in the Chair

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 3

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AMENDMENT No. 1—

On page 3, line 25, immediately after the word "leased" delete the remainder of the line and insert in lieu thereof the following:

"or operated commercially for profit."

Delegate Lennox moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 66 yeas and 47 nays the amendment was adopted.

Delegate Lennox moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Dennis objected to tabling the motion to reconsider.

By a vote of 58 yeas and 48 nays the motion to reconsider was tabled.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 19, immediately after the word "Law" and before the word "which" delete the word "or" and insert in lieu thereof the word "and"

Delegate Lowe moved the adoption of the amendment.

Delegate Dennery objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Goldman	O'Neill
Aertker	Graham	Perez
Alario	Gravel	Perkins
Alexander	Grier	Planchard
Anzalone	Guarisco	Rachal
Avant	Hardee	Rayburn
Badeaux	Heine	Reeves
Blair	Hernandez	Riecke
Bollinger	Jackson, A.	Roemer
Brien	Jackson, J.	Sandoz
Burns	Jenkins	Schmitt
Cannon	Juneau	Shannon
Chehardy	Kean	Slay
Comar	Kelly	Smith
Conino	Kilpatrick	Stephenson
Conroy	Landrum	Stinson
Corne	Landry, A.	Sutherland
D'Gerolamo	Landry, E. J.	Tapper
De Blieux	Lanier	Tobias
Dennis	LeBlau	Toca
Deshotels	Lennox	Toomy
Drew	Lowe	Ullo
Dunlap	McDaniel	Velazquez
Duval	Martin	Vesich
Elkins	Mauberet	Warren
Flory	Maybuce	Wattigny
Fontenot	Miller	Weiss
Fowler	Mire	Willis
Fulco	Munson	Winchester
Giarrusso	Newton	Wisham
Ginn	Nunez	Womack
Total—93.		

NAYS

Delegates—

Arnette
Asseff
Bel
Bergeron
Burson
Carmouche
Total—18.

Champagne
Dennery
Gauthier
Hayes
Jack
Kilbourne

Pugh
Singletary
Soniat
Stagg
Vick
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Brown
Casey
Chatelain
Cowen
Derbes
Edwards
Total—21.

Fayard
Haynes
Lambert
Leigh
Leithman
Ourso
Robinson

Roy
Segura
Stovall
Tate
Thistlethwaite
Thompson
Wall

And the amendment was adopted.

Delegate Lowe moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of vote with respect to the adoption of the above amendment proposed by Delegate Lowe to Section 3 of Committee Proposal 26.

"I have voted against this amendment, for, by the passage of the same, all private foundations in the State of Louisiana which are within the classifications shown between the words "undertakings" in line 13 through the word "Louisiana" in line 21 will not be exempt from ad valorem taxes."

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, at the beginning of line 12, immediately after the word and punctuation "profit," and before the word "universities" add the following:

"property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts,"

Delegate Flory moved the adoption of the amendment.

Delegate Lennox objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	De Blieux	Kelly
Alario	Dennery	Kilbourne
Alexander	Deshotels	Kilpatrick
Avant	Drew	Lambert
Bel	Dunlap	Landrum
Bergeron	Elkins	Landry, A.
Blair	Fayard	Landry, E. J.
Bollinger	Flory	Lanier
Brown	Fontenot	LeBlau
Burns	Fowler	Leithman
Burson	Giarrusso	McDaniel
Cannon	Ginn	Martin
Carmouche	Goldman	Mauberet
Champagne	Graham	Maybuce
Chatelain	Gravel	Mire
Chehardy	Hardee	Munson
Comar	Hernandez	Newton
Conino	Jackson, A.	Nunez
Cowen	Jackson, J.	O'Neill
D'Gerolamo	Jenkins	Perkins

Planchard	Slay	Vick
Rachal	Soniati	Warren
Rayburn	Stephenson	Wattigny
Reeves	Tapper	Willis
Riecke	Toca	Winchester
Roemer	Ullo	Wisham
Sandoz	Velazquez	Womack
Singletary	Vesich	
Total—83.		

NAYS

Delegates—		
Abraham	Guarisco	Schmitt
Anzalone	Hayes	Segura
Arnette	Heine	Smith
Asseff	Jack	Stagg
Badeaux	Juneau	Stinson
Conroy	Kear	Sutherland
Corne	Leigh	Tobias
Duval	Lennox	Toomy
Fulco	Lowe	Weiss
Gauthier	Miller	Zervigon
Grier	Perez	
Total—32.		

NOT VOTING

Delegates—		
Aertker	Haynes	Stovall
Brien	Ourso	Tate
Casey	Pugh	Thistlethwaite
Dennis	Robinson	Thompson
Derbes	Roy	Wall
Edwards	Shannon	
Total—17.		

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lennox sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lennox to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 and 22, in their entirety and at the beginning of line 23, delete the word and punctuation "same," and insert in lieu thereof the following:

"Louisiana; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes;"

Delegate Lennox moved the adoption of the amendment.

Delegate Anzalone objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Bollinger	Champagne
Aertker	Brien	Chatelain
Alario	Brown	Chehardy
Bel	Burns	Comar
Bergeron	Cannon	Conino
Blair	Casey	Conroy

D'Gerolamo	Lambert	Roemer
De Blieux	Landry, A.	Sandoz
Dennerly	Landry, E. J.	Schmitt
Deshotels	Lanier	Shannon
Drew	LeBleu	Slay
Elkins	Leigh	Soniati
Fayard	Leithman	Stagg
Fontenot	Lennox	Sutherland
Fowler	McDaniel	Tapper
Gauthier	Martin	Tobias
Giarrusso	Mauberrret	Toca
Ginn	Mire	Ullo
Goldman	Newton	Velazquez
Graham	Nunez	Vick
Gravel	O'Neill	Warren
Hardee	Perkins	Wattigny
Hayes	Planchard	Weiss
Hernandez	Pugh	Willis
Jack	Rachal	Winchester
Jackson, J.	Rayburn	Womack
Jenkins	Reeves	
Kilpatrick	Riecke	
Total—82.		

NAYS

Delegates—		
Anzalone	Duval	Lowe
Arnette	Flory	Maybuce
Asseff	Fulco	Perez
Avant	Grier	Singletary
Badeaux	Guarisco	Stephenson
Burson	Haynes	Stinson
Carmouche	Jackson, A.	Toomy
Cowen	Kelly	Vesich
Dennis	Kilbourne	Zervigon
Total—27.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Smith
Alexander	Landrum	Stovall
Corne	Miller	Tate
Derbes	Munson	Thistlethwaite
Dunlap	Ourso	Thompson
Edwards	Robinson	Wall
Heine	Roy	Wisham
Juneau	Segura	
Total—23.		

And the amendment was adopted.

Delegate Lennox moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates J. Jackson and Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 17, immediately after the word "centers" and before the word "which" insert the words and punctuation "and, recreational facilities"

On motion of Delegate J. Jackson the amendment was withdrawn.

Motion

Delegate Pugh moved that the Convention defer further action on Committee Proposal No. 26, Section 3(C), at this time.

As a substitute Delegate Landrum moved that the Proposal be returned to the Calendar subject to call.

Delegate Planchard objected.

The vote recurred on the substitute motion.

By a vote of 9 yeas and 104 nays the Convention refused to return the Proposal to the Calendar subject to call.

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On motion of Delegate Pugh the motion to defer action on Committee Proposal, Section 3(A) was withdrawn.

Motion

Delegate Burson moved the previous question on the entire subject matter.

Delegate Alario objected.

By a vote of 17 yeas and 90 nays the Convention refused to order the previous question on the entire subject matter.

Delegate Newton sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Newton, Roemer, Duval, Lanier, Guarisco, Conroy, Gauthier, Zervigon, J. Jackson, Bergeron, Tobias and Abraham to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 12 through 32, both inclusive, in their entirety and on page 3, delete lines 1 through 32, both inclusive, in their entirety and on page 4, delete lines 1 through 32, both inclusive, including all previously adopted Floor Amendments thereto in their entirety and on page 5, delete lines 1 through 32, both inclusive, in their entirety and on page 6, delete lines 1 through 32, both inclusive, in their entirety and on page 7, delete lines 1 through 10, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. Other Property Exemptions

Section 3. (A) In addition to the homestead exemption provided for in Section 1 of this Article, the following property shall be exempt from ad valorem taxation:

(1) All public property.

(2) Property owned by religious denominations or orders which is not leased or operated commercially for profit.

(B) All other provisions for exemptions from ad valorem taxation operative at the time of the adoption of this constitution are retained in effect. The legislaure, by favorable vote of two-thirds of the elected members of each house, may amend or repeal any exemption provisions other than the homestead exemption provided for in Section 1 of this Article and the exemptions provided for in Paragraph (A) of this Section."

AMENDMENT No. 2—

On page 7, beginning on line 11, delete "(H)" and insert in lieu thereof "(C)"

Motion

Delegate Stovall moved for a suspension of the rules in order to take a consensus vote on the amendment.

Delegate Blair objected.

By a vote of 21 yeas and 72 nays the Convention refused to suspend the rules at this time.

Delegate Newton moved the adoption of the amendments.

Delegate Jack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Bergeron	De Blieux
Alexander	Bollinger	Dennis
Anzalone	Chatelain	Drew
Arnette	Conroy	Duval

Fayard
Fowler
Fulco
Gauthier
Graham
Guarisco
Haynes
Heine
Jackson, A.
Jackson, J.
Total—41.

Juneau
Kean
Kelly
Landrum
Landry, A.
Lanier
Leigh
Newton
Nunez
Reeves

Roemer
Schmitt
Stagg
Stovall
Sutherland
Tobias
Toomy
Vick
Zervigon

NAYS

Delegates—

Alario
Asseff
Avant
Badeaux
Bel
Blair
Brien
Brown
Burns
Burson
Carmouche
Casey
Champagne
Chehardy
Comar
Conino
Corne
Cowen
D'Gerolamo
Dennery
Deshotels
Dunlap
Edwards
Elkins
Flory
Fontenot
Giarrusso
Total—80.

Ginn
Goldman
Gravel
Grier
Hardee
Hayes
Hernandez
Jack
Jenkins
Kilbourne
Kilpatrick
Landry, E. J.
LeBleu
Leithman
Lennox
Lowe
McDaniel
Martin
Mauberret
Maybuce
Miller
Mire
Munson
O'Neill
Perez
Perkins
Planchard

Pugh
Rachal
Rayburn
Riecke
Sandoz
Segura
Shannon
Singletary
Slay
Smith
Soniat
Stephenson
Stinson
Tapper
Thompson
Toca
Ullo
Velazquez
Vesich
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Womack

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Cannon
Derbes
Total—11.

Lambert
Ourso
Robinson
Roy

Tate
Thistlethwaite
Wall

And the amendments were rejected.

Delegate Planchard moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, at the end of the language added by Amendment No. 1 proposed by Delegate Pugh and adopted by the Convention on October 24, 1973, delete the period "." after the words "public purposes" and add the following: "or leased for private purposes."

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Shannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 25, in Floor Amendment No. 1 proposed by Delegate Lennox and adopted by the Convention on October

25, 1973, after the word "operated" and before the word "commercially" add the following words:
"or otherwise used"

On motion of Delegate Shannon the amendment was adopted.

Delegate Shannon moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Champagne and Lowe to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 27, after the word and punctuation "stocks," delete the remainder of the line and at the beginning of line 28 delete the words and punctuation "provided by law, and the tax" and insert in lieu thereof the following:
"the tax on which shall be"

Delegate Champagne moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fulco	O'Neill
Alario	Gauthier	Perez
Alexander	Giarrusso	Perkins
Anzalone	Goldman	Planchard
Asseff	Gravel	Pugh
Avant	Graham	Rachal
Badeaux	Grier	Rayburn
Bel	Hardee	Reeves
Bergeron	Hayes	Riecke
Blair	Haynes	Roemer
Bollinger	Hernandez	Sandoz
Burns	Jack	Segura
Carmouche	Jackson, A.	Shannon
Casey	Jackson, J.	Singletary
Champagne	Jenkins	Slay
Chatelain	Juneau	Soniat
Chehardy	Kean	Stagg
Comar	Kilbourne	Stinson
Conino	Landry, E. J.	Stovall
Conroy	Lanier	Sutherland
Corne	LeBleu	Tapper
Cowen	Leigh	Thompson
D'Gerolamo	Leithman	Tobias
De Blieux	Lennox	Toca
Dennery	Lowe	Toomy
Dennis	McDaniel	Uilo
Drew	Martin	Vesich
Dunlap	Mauberrret	Vick
Elkins	Maybuce	Willis
Fayard	Mire	Wisham
Flory	Newton	Womack
Fontenot	Nunez	Zervigon
Fowler		
Total—96.		

NAYS

Delegates—	Schmitt	Weiss
Abraham	Smith	Winchester
Brien	Velazquez	
Landry, A.	Warren	
Miller		
Total—10.		

NOT VOTING

Delegates—	Edwards	Ourso
Mr. Chairman	Ginn	Robinson
Aertker	Guarisco	Roy
Arnette	Heine	Stephenson
Brown	Kelly	Tate
Burson	Kilpatrick	Thistlethwaite
Cannon	Lambert	Wall
Derbes	Landrum	Wattigny
Deshotels	Munson	
Duval		

Total—26.

And the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Winchester objected to tabling the motion to reconsider.

By a vote of 48 yeas and 50 nays and the Convention refused to table the motion to reconsider.

Motion

Delegate Champagne moved to reconsider the vote by which the amendment was adopted.

Delegate Abraham objected.

By a vote of 52 yeas and 50 nays the vote by which the amendment was adopted, was reconsidered.

Delegate Champagne moved the adoption of the amendment.

Delegate Winchester objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fulco	O'Neill
Abraham	Gauthier	Perez
Alario	Giarrusso	Perkins
Anzalone	Ginn	Planchard
Arnette	Goldman	Pugh
Asseff	Graham	Rachal
Avant	Gravel	Rayburn
Badeaux	Grier	Reeves
Bel	Hardee	Riecke
Blair	Hayes	Roemer
Bollinger	Haynes	Sandoz
Brien	Hernandez	Schmitt
Burns	Jack	Shannon
Carmouche	Jackson, A.	Singletary
Casey	Jenkins	Slay
Champagne	Juneau	Smith
Chatelain	Kean	Soniat
Comar	Kilbourne	Stagg
Conino	Kilpatrick	Stephenson
Conroy	Landry, E. J.	Stinson
Corne	Lanier	Stovall
Cowen	LeBleu	Sutherland
D'Gerolamo	Leigh	Tapper
De Blieux	Leithman	Thompson
Dennery	Lennox	Tobias
Dennis	Lowe	Toomy
Drew	McDaniel	Vesich
Dunlap	Martin	Willis
Elkins	Mauberrret	Wisham
Fayard	Mire	Womack
Flory	Newton	Zervigon
Fontenot	Nunez	
Fowler		
Total—95.		

NAYS

Delegates—	D'Gerolamo	Maybuce
Alexander	Jackson, J.	Miller
Bergeron	Landry, A.	Segura
Chehardy		

Toca
Ullo
Total—15.

Velazquez
Warren

Weiss
Winchester

NOT VOTING

Delegates—
Mr. Chairman
Aertker
Brown
Burson
Cannon
Derbes
Deshotels
Edwards
Total—22.

Guarisco
Heine
Kelly
Lambert
Landrum
Munson
Ourso

Robinson
Roy
Tate
Thistlethwaite
Vick
Wall
Wattigny

And the amendment was adopted.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery, Mire and Rayburn, to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 12, after the words and punctuation "owners;" delete the remainder of the line and insert in lieu thereof the following:
"ships and oceangoing tugs, towboats, and barges"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate E. J. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate E. J. Landry to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, Floor Amendment No. 1 proposed by Delegate Mire and adopted by the Convention on October 24, 1973, on line 5 in the text of the amendment after the word "taxation" delete the colon ":" and insert a semicolon ";" and add the following:
"provided however, that after the effective date of this constitution, the exemptions contained in Paragraphs (F) and (G) of this Section shall not apply to taxes levied by any school districts:"

On motion of Delegate Chatelain the amendment was withdrawn.

Motion

On motion of Delegate Nunez, the Convention altered the Order of Business to take up other Orders of Business at this time.

Motion

On motion of Delegate Abraham the rules were suspended in order to call a meeting of the Committee on Transitional Measures of the Committee on the Executive Department without giving the required 24 hours notice.

COMMITTEE NOTICE

Delegate Abraham, chairman of the Sub-Committee on Transitional Measures of the Committee on the Executive Department, sent up the following notice:

The Sub-Committee on Transitional Measures of the Committee on the Executive Department will meet on Friday, October 26, 1973, at the lunch break in Independence Hall and will consider the following agenda:

AGENDA

To consider transitional measures relating the Executive Department.

Respectfully submitted,

MACK ABRAHAM,
Chairman of the Sub-Committee on
Transitional Measures of the Committee
on the Executive Department

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Wednesday, October 31, 1973, immediately after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

DP No. 3
DP No. 53
DP No. 66
DP No. 92
DP No. 90
CP No. 11
CP No. 30

Status Report—Committee Proposal No. 7

Status Report—Delegate Proposal No. 54

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on Education & Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Derbes—1 day.
Delegate Tate—2 days.
Delegate Thistlethwaite—3 days.
Delegate Robinson—Indefinite.
Delegate Ourso—Indefinite.

Adjournment

Delegate Riecke moved that that Convention do now adjourn until Friday, October 26, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, October 26, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SEVENTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, October 26, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perkins
Abraham	Gauthier	Planchard
Aertker	Giarrusso	Pugh
Alario	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Riecke
Avant	Grier	Roemer
Badeaux	Guarisco	Sandoz
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Blair	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Brockson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Kean	Stephenson
Carmouche	Kelly	Stinosn
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tapper
Chehardy	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Conroy	Lanier	Toomy
Corne	LeBleu	Ullo
Cowen	Leigh	Velazquez
D'Gerolamo	Leithman	Vesich
De Blieux	Lennox	Vick
Dennery	McDaniel	Wall
Dennis	Martin	Warren
Derbes	Mauberet	Wattigny
Drew	Maybuce	Weiss
Dunlap	Miller	Willis
Duval	Mire	Winchester
Elkins	Munson	Wisham
Fayard	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Fowler	Perez	
Total—121.		

ABSENT

Delegates—		
Alexander	Juneau	Roy
Deshotels	Lowe	Tate
Edwards	Ourso	Thistlethwaite
Haynes	Robinson	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Planchard.

Pledge of Allegiance

Delegate Dennery led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Miller, the reading of the Journal
was dispensed with.

On motion of Delegate Miller, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

**Section 3. Homestead Exemption; Other Property Exemp-
tions**

Section 3. The following property shall be exempt from ad
valorem taxation: (A) Homesteads. From state, parish, and
special taxes, the homestead, bona fide, consisting of a tract
of land, or two or more tracts of land with a residence on
one tract and a field, pasture, or garden on the other tract
or tracts, not exceeding one hundred and sixty acres, build-
ings and appurtenances, whether rural or urban, owned and
occupied by any person, in the full amount of five thousand
dollars of the assessed valuation. However, veterans and
persons sixty-five years or older shall be provided with a
homestead exemption of six thousand dollars of the as-
sessed valuation. No exemption shall extend to any munici-
pal or city taxes except the following: (1) in Orleans Parish
this exemption shall apply to the state, the general city, the
school, the levee, and levee board taxes; (2) to any munici-
pal or city taxes levied for school purposes. The exemption
of homesteads shall extend to the surviving spouse or minor
child or children of a deceased owner and to the bona fide
homestead when occupied as such and title thereto is in
either husband or wife, provided that this exemption shall
not be extended to more than one homestead owned by the
husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by reli-
gious; denominations and used as residences for clergy or
religious; places of burial, and property held by any religious
denomination or nonprofit corporation or organization for
burial purposes, but the exemption shall not apply to unsold
lots, crypts, or places for burial nor shall it apply to lands
held for development as places for burial, when so held for
profit; universities, schools and colleges; places devoted to
charitable undertakings; hospitals, nursing homes, homes for
the aged, convalescent and rehabilitation facilities, institu-
tions for treatment, rehabilitation and care of the physically
and mentally handicapped or retarded, orphanages, child
and/or day care centers which are organized as non-profit
corporations under the Louisiana Non-profit Corporations
Law or which are exempt from federal and state income
taxation law which are licensed or regulated by the state of
Louisiana; organizations such as lodges and clubs organized
for charitable and fraternal purposes and practicing the same;

but exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 26, Section 3, when it adjourned on Thursday, October 25, 1973, which was taken up and acted upon as follows:

Delegate Conino sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conino and Willis to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 5 through 25, both inclusive, including all Floor Amendments thereto, in their entirety and insert in lieu thereof the following:

"(C) (1) Places of religious worship; (2) property owned by religious denominations and used as residences for clergy or religious; (3) places of burial and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial nor shall it apply to lands held for development as places for burial when so held for profit; (4) places devoted to charitable undertakings; (5) property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; (6) universities, schools, colleges, hospitals, nursing homes, homes for the aged, convalescent and rehabilitation facilities, institutions for treatment, rehabilitation and care of the physically and mentally handicapped or retarded, orphanages, child and/or day care centers which are organized or operating as nonprofit corporations under the Louisiana Non-profit Corporations Law and which are exempt from federal and state income taxation law and which are licensed or regulated by the state of Louisiana; (7) organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same.

The exemptions shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased or operated commercially for profit."

On motion of Delegate Conino the amendment was withdrawn.

Delegate Arnette sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Arnette to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, at the beginning of line 12, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the convention on October 25, 1973, at the beginning of the text of the amendment delete the words "property of" and insert in lieu thereof the words "meeting halls of"

Delegate Arnette moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Drew	Leigh
Anzalone	Fontenot	Miller
Arnette	Fowler	Riecke
Badeaux	Fulco	Smith
Bollinger	Gauthier	Stagg
Brien	Goldman	Stinson
Champagne	Grier	Sutherland
Chatelain	Hardee	Tobias
Conroy	Heine	Weiss
Corne	Jack	
Total—29.		

NAYS

Delegates—

Alario	Hayes	Pugh
Asseff	Jackson, A.	Rayburn
Avant	Kelly	Reeves
Bel	Kilbourne	Sandoz
Bergeron	Kilpatrick	Singletary
Blair	Landry, A.	Slay
Burns	Landry, E. J.	Soniat
Cannon	Lanier	Stephenson
Casey	LeBleu	Stovall
Chehardy	Leithman	Thompson
Comar	Lennox	Toca
Conino	McDaniel	Toomy
D'Gerolamo	Martin	Ullio
De Blieux	Mauberrret	Velazquez
Dennery	Maybuce	Vick
Derbes	Mire	Warren
Elkins	Munson	Willis
Flory	Newton	Winchester
Giarrusso	Nunez	Wisham
Ginn	O'Neill	Womack
Graham	Planchard	Zervigon
Gravel		
Total—64.		

NOT VOTING

Delegates—

Mr. Chairman	Dunlap	Juneau
Aertker	Duval	Kean
Alexander	Edwards	Lambert
Brown	Fayard	Landrum
Burson	Guarisco	Lowe
Carmouche	Haynes	Ourso
Cowen	Hernandez	Perez
Dennis	Jackson, J.	Perkins
Deshotels	Jenkins	Rachal

Robinson
Roemer
Roy
Schmitt
Total—39.

Segura
Shannon
Tapper
Tate

Thistlethwaite
Vesich
Wall
Wattigny

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate E. J. Landry sent up a floor amendment to a subsection not under consideration by the Convention at this time, and asked permission of the Convention to consider the amendment out of its regular order at this time.

Delegate Stagg objected.

By a vote of 55 yeas and 33 nays the Convention ordered the amendment to be taken up out of its regular order.

Delegate E. J. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate E. J. Landry to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 13 and 14, insert the following: "(I) The exemptions contained in Paragraph (F) of this Section shall not apply to any taxes levied by any school districts on any manufacturing establishment or an addition or additions to any manufacturing establishment concerning which a contract for exemption has been signed after the effective date of this constitution."

Motion

Delegate A. Jackson moved the previous question on the amendment.

Delegate Chatelain objected.

By a vote of 41 yeas and 55 nays the Convention refused to order the previous question.

Delegate E. J. Landry moved the adoption of the amendment.

Delegate Abraham objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Gauthier	Riecke
Anzalone	Giarrusso	Roemer
Avant	Ginn	Schmitt
Bergeron	Guarisco	Segura
B'air	Hayes	Singletary
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stinson
Cannon	Kilbourne	Stovall
Carmouche	Lambert	Sutherland
Chatelain	Landrum	Thompson
Chehardy	Landry, E. J.	Toca
Corne	LeBleu	Toomy
Cowen	Leithman	Ullio
D'Gerolamo	Mauberrret	Velazquez
Derbes	Maybuce	Vesich
Dunlap	Miller	Vick
Duval	Munson	Warren
Fayard	Pugh	Weiss
Flory	Reeves	Wisham
Total—57.		

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NAYS

Delegates—		
Abraham	Fulco	Newton
Alario	Goldman	Nunez
Arnette	Graham	O'Neill
Asseff	Gravel	Perez
Badeaux	Grier	Perkins
Bel	Hardee	Planchard
Bollinger	Heine	Rayburn
Brien	Hernandez	Sandoz
Brown	Jack	Shannon
Casey	Jenkins	Slay
Comar	Kean	Smith
Conino	Kelly	Stagg
Conroy	Kilpatrick	Stephenson
De Blieux	Landry, A.	Tapper
Dennery	Lanier	Tobias
Dennis	Leigh	Willis
Drew	Lennox	Winchester
Elkins	McDaniel	Zervigon
Fontenot	Martin	
Fowler	Mire	
Total—58.		

NOT VOTING

Delegates—		
Mr. Chairman	Juneau	Tate
Alexander	Lowe	Thistlethwaite
Champagne	Ourso	Wall
Deshotels	Rachal	Wattigny
Edwards	Robinson	Womack
Haynes	Roy	
Total—17.		

And the amendment was rejected.

Delegate Gravel moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate E. J. Landry objected to tabling the motion to reconsider.

By a vote of 71 yeas and 43 nays and the motion to reconsider was tabled.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Floor Amendment No. 1 offered by Delegate Mire and adopted by the Convention on October 24, 1973, on line 4 of the text of the amendment after the words "following property" and before the words "shall be" insert the words "and no other"

Delegate Perez moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Burson	Dunlap
Anzalone	Chatelain	Duval
Arnette	Chehardy	Fayard
Asseff	Comar	Fontenot
Bergeron	Cowen	Fulco
Burns	Derbes	Gauthier

Giarrusso	Lanier	Shannon
Grier	Leigh	Slay
Hardee	Leithman	Stagg
Heine	Mauberrret	Stephenson
Hernandez	Miller	Sutherland
Jack	Mire	Thompson
Jackson, J.	Nunez	Toca
Kean	Perez	Toomy
Kilbourne	Perkins	Ullo
Lambert	Riecke	Vesich
Landrum	Schmitt	Weiss
Landry, A.	Segura	
Total—53.		

NAYS

Delegates—		
Abraham	Flory	Pugh
Alario	Fowler	Rayburn
Avant	Ginn	Reeves
Badeaux	Goldman	Roemer
Bel	Graham	Sandoz
Blair	Gravel	Singletary
Brien	Guarisco	Smith
Brown	Hayes	Soniati
Carmouche	Jackson, A.	Stinson
Casey	Jenkins	Stovall
Champagne	Kelly	Tobias
Conino	Kilpatrick	Velazquez
Conroy	Landry, E. J.	Vick
D'Gerolamo	LeBleu	Warren
De Blieux	Lennox	Willis
Dennery	McDaniel	Winchester
Dennis	Newton	Wisham
Drew	O'Neill	Womack
Elkins	Planchard	Zervigon
Total—57.		

NOT VOTING

Delegates—		
Mr. Chairman	Juneau	Roy
Alexander	Lowe	Tapper
Bollinger	Martin	Tate
Cannon	Maybuce	Thistlethwaite
Corne	Munson	Wall
Deshotels	Ourso	Wattigny
Edwards	Rachal	
Haynes	Robinson	
Total—22.		

And the amendment was rejected.

Delegate Womack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate McDaniel moved the previous question on the Section.

Delegate Conino objected.

By a vote of 44 yeas and 64 nays the Convention refused to order the previous question on the Section.

Delegate Conino sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conino and Willis to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 5 through 25, both inclusive, including all Floor Amendments thereto, in their entirety and insert in lieu thereof the following:

"(B) (1) Places of religious worship; (2) property owned by religious denominations and orders and used as residences for clergy or religious; (3) places of burial and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial nor shall it apply to lands held for development as places for burial when so held for profit; (4) places devoted to charitable undertakings; (5) property of bona fide labor

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organizations representing their members or affiliates in collective bargaining efforts; (6) universities, schools, colleges, hospitals, nursing homes, homes for the aged, convalescent and rehabilitation facilities, institutions for treatment, rehabilitation and care of the physically and mentally handicapped or retarded, orphanages, child and/or day care centers which are organized or operating as nonprofit corporations under the Louisiana Nonprofit Corporations Law and which are exempt from federal and state income taxation law and which are licensed or regulated by the state of Louisiana; (7) organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same; and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry, and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes.

The exemptions shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes and not leased or operated commercially for profit, or otherwise used, subject to income taxation."

Delegate Conino moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 24 yeas and 84 nays the amendment was rejected.

Delegate Pugh moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Segura moved for a suspension of the rules in order to limit debate to two speakers for the proponents and two speakers for the opponents, on all remaining amendments to this Section.

Delegate Chatelain objected.

By a vote of 54 yeas and 47 nays and the Convention refused to suspend the rules at this time.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 5 through 25, both inclusive, in their entirety, including all amendments adopted thereto by the Convention and insert in lieu thereof the following:

"(C) That owned by nonprofit corporations or associations, organized and operated exclusively for religious, charitable, health, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual and which is declared to be exempt from federal and state income tax, except immovable property owned, operated, leased, or used for commercial purposes."

AMENDMENT No. 2—

On page 3, immediately below the language added by Amendment No. 1 above, add the following unnumbered paragraph:

"Property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts."

AMENDMENT No. 3—

On page 3, immediately below the language added by Amendment No. 2 above, add the following unnumbered paragraph:

"Organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the pro-

motion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes."

On motion of Delegate Duval a division of the question was ordered.

Delegate Pugh moved the adoption of Amendment No. 1.

Delegate Comar objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Pugh
Aertker	Goldman	Riecke
Alario	Graham	Schmitt
Arnette	Gravel	Segura
Bel	Guarisco	Shannon
Bollinger	Hayes	Singletary
Burson	Heine	Slay
Carmouche	Jack	Soniat
Casey	Jackson, A.	Stagg
Chatelain	Jackson, J.	Stinson
Chehardy	Jenkins	Stovall
Conino	Kean	Sutherland
Corne	Kelly	Tobias
De Blieux	Kilpatrick	Toca
Dennery	Landrum	Toomy
Dennis	Landry, A.	Uilo
Derbes	Landry, E. J.	Velazquez
Drew	Lanier	Vick
Dunlap	Leithman	Weiss
Duval	Mauberret	Wisham
Fulco	Newton	Zervigon
Gauthier	O'Neill	
Giarrusso	Perkins	
Total—67.		

NAYS

Delegates—		
Anzalone	Elkins	Perez
Asseff	Flory	Planchard
Avant	Fontenot	Reeves
Badeaux	Fowler	Roemer
Bergeron	Grier	Sandoz
Blair	Hardee	Smith
Brien	Hernandez	Stephenson
Brown	Kilbourne	Tapper
Burns	LeBleu	Thompson
Champagne	Leigh	Vesich
Comar	Lennox	Willis
Conroy	McDaniel	Winchester
Cowen	Martin	Womack
D'Gerolamo	Nunez	
Total—41.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Rayburn
Alexander	Lowe	Robinson
Cannon	Maybuce	Roy
Deshoteis	Miller	Tate
Edwards	Mire	Thistlethwaite
Fayard	Munson	Wall
Haynes	Ourso	Warren
Juneau	Rachal	Wattigny
Total—24.		

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh moved the adoption of Amendment No. 2.

Delegate Comar objected.

A record vote was asked for and ordered by the Convention.

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ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Anzalone	Ginn	Pugh
Asseff	Goldman	Rayburn
Avant	Graham	Reeves
Bel	Gravel	Sandoz
Bergeron	Hardee	Shannon
Blair	Hayes	Singletary
Brown	Hernandez	Slay
Burns	Jack	Smith
Burson	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stephenson
Casey	Jenkins	Stinson
Chehardy	Kelly	Stovall
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Thompson
Corne	Landrum	Toca
Cowen	Landry, A.	Ullo
D'Gerolamo	Landry, E. J.	Velazquez
De Blieux	Lanier	Vesich
Dennery	Leithman	Vick
Dennis	Lennox	Warren
Dunlap	Martin	Winchester
Flory	Mauberet	Wisham
Fontenot	Newton	Womack
Fowler	Nunez	Zervigon
Fulco	O'Neill	
Total—80.		

NAYS

Delegates—		
Abraham	Duval	Riecke
Arnette	Elkins	Roemer
Badeaux	Grier	Schmitt
Bollinger	Guarisco	Segura
Brien	Heine	Stagg
Champagne	Kean	Sutherland
Chatelain	LeBleu	Tobias
Conroy	Leigh	Toomy
Derbes	McDaniel	Weiss
Drew	Perez	Willis
Total—30.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Robinson
Alexander	Lowe	Roy
Cannon	Maybuce	Tate
Deshotels	Miller	Thistlethwaite
Edwards	Mire	Wall
Fayard	Munson	Waltigny
Haynes	Ourso	
Juneau	Rachal	
Total—22.		

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh moved the adoption of Amendment No. 3.

Delegate Comar objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Alario	Asseff
Aertker	Anzalone	Avant

Badeaux	Graham	Reeves
Bel	Gravel	Riecke
Bergeron	Hayes	Roemer
Blair	Heine	Sandoz
Bollinger	Hernandez	Segura
Brien	Jack	Shannon
Brown	Jackson, A.	Singletary
Burns	Jenkins	Slay
Burson	Kean	Smith
Carmouche	Kelly	Soniat
Casey	Kilbourne	Stagg
Chehardy	Kilpatrick	Stephenson
Comar	Landrum	Stinson
Conino	Landry, A.	Stovall
Corne	Landry, E. J.	Sutherland
Cowen	Lanier	Tapper
D'Gerolamo	LeBleu	Thompson
De Blieux	Leigh	Tobias
Dennery	Leithman	Toca
Drew	Lennox	Ullo
Dunlap	McDaniel	Velazquez
Elkins	Martin	Vesich
Flory	Mauberet	Vick
Fontenot	Newton	Warren
Fowler	Nunez	Weiss
Fulco	O'Neill	Willis
Gauthier	Perkins	Winchester
Giarrusso	Planchard	Wisham
Ginn	Pugh	Womack
Goldman	Rayburn	Zervigon
Total—96.		

NAYS

Delegates—		
Arnette	Derbes	Perez
Champagne	Duval	Schmitt
Conroy	Grier	Toomy
Dennis	Guarisco	
Total—11.		

NOT VOTING

Delegates—		
Mr. Chairman	Jackson, J.	Rachal
Alexander	Juneau	Robinson
Cannon	Lambert	Roy
Chatelain	Lowe	Tate
Deshotels	Maybuce	Thistlethwaite
Edwards	Miller	Wall
Fayard	Mire	Wattigny
Hardee	Munson	
Haynes	Ourso	
Total—25.		

And the amendment was adopted.

Delegate Pugh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, in Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the convention on October 26, 1973, on line 3, immediately after the word and punctuation "charitable," and before the word "fraternal" delete the word and punctuation "health,"

Delegate Shannon moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
D'Gerolamo	Jackson, J.	Newton
Fowler	Jenkins	Roemer

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Schmitt	Stephenson	Toca
Shannon	Thompson	Ullo
Smith	Tobias	Zervigon
Total—15.		

NAYS

Delegates—	Fontenot	Nunez
Abraham	Fulco	Planchar
Aertker	Gauthier	Rachal
Anzalone	Giarrusso	Rayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Riecke
Avant	Graham	Sandoz
Badeaux	Gravel	Segura
Bel	Grier	Singletary
Bergeron	Guarisco	Slay
Bollinger	Hardee	Soniat
Brien	Heine	Stagg
Burns	Hernandez	Stinson
Burson	Jackson, A.	Stovall
Carmouche	Kelly	Sutherland
Casey	Kilbourne	Toomy
Champagne	Kilpatrick	Velazquez
Chatelain	Landrum	Vesich
Comar	Landry, A.	Vick
Conino	Landry, E. J.	Warren
Conroy	Lanier	Wattigny
Corne	LeBleu	Weiss
Cowen	Lennox	Willis
De Blieux	McDaniel	Winchester
Dennery	Mauberret	Wisham
Derbes	Mire	Womack
Duval	Munson	
Flory		
Total—80.		

NOT VOTING

Delegates—	Fayard	O'Neill
Mr. Chairman	Hayes	Ourso
Alario	Haynes	Perez
Alexander	Jack	Perkins
Blair	Juneau	Pugh
Brown	Kean	Robinson
Cannon	Lambert	Roy
Chehardy	Leigh	Tapper
Dennis	Leithman	Tate
Deshotels	Lowe	Thistlethwaite
Drew	Martin	Wall
Dunlap	Maybuce	
Edwards	Miller	
Elkins		
Total—37.		

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, immediately below the language added by Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the convention on October 26, 1973, delete Floor Amendment No. 2 proposed by Delegate Pugh and adopted by the convention on October 26, 1973, and insert in lieu thereof the following:

"Meeting halls, offices, and equipment located therein, owned by bona fide labor organizations and used in pursuance of collective bargaining efforts for their members or affiliates."

Delegate Chatelain moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Duval	Schmitt
Abraham	Elkins	Segura
Anzalone	Gauthier	Stagg
Arnette	Giarrusso	Stinson
Badeaux	Grier	Tobias
Bollinger	Hardee	Toca
Champagne	Heine	Ullo
Chatelain	Nunez	Weiss
Conroy	Perez	Willis
Corne	Riecke	
Derbes	Roemer	
Drew		
Total—31.		

NAYS

Delegates—	Gravel	Rayburn
Aertker	Guarisco	Reeves
Alario	Hernandez	Sandoz
Asseff	Jackson, A.	Shannon
Avant	Jackson, J.	Singletary
Bel	Jenkins	Slay
Bergeron	Kelly	Smith
Brien	Kilbourne	Soniat
Burns	Kilpatrick	Stephenson
Burson	Landrum	Stovall
Carmouche	Landry, A.	Sutherland
Casey	Landry, E. J.	Thompson
Chehardy	Lanier	Toomy
Comar	LeBleu	Velazquez
Conino	Leithman	Vesich
Cowen	Lennox	Vick
D'Gerolamo	McDaniel	Warren
De Blieux	Mauberret	Wattigny
Flory	Mire	Winchester
Fowler	Munson	Wisham
Fulco	Newton	Womack
Ginn	Planchard	Zervigon
Goldman	Rachal	
Graham		
Total—68.		

NOT VOTING

Delegates—	Fontenot	Miller
Mr. Chairman	Hayes	O'Neill
Alexander	Haynes	Ourso
Blair	Jack	Perkins
Brown	Juneau	Pugh
Cannon	Kean	Robinson
Dennery	Lambert	Roy
Dennis	Leigh	Tapper
Deshotels	Lowe	Tate
Dunlap	Martin	Thistlethwaite
Edwards	Maybuce	Wall
Fayard		
Total—33.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, in Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the convention on October 26, 1973, at the end of line 3, delete the word "or" and at the

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beginning of line 4, delete the words "educational purposes," and insert in lieu thereof the following:
"educational purposes, or as homes for the aged,"

Delegate Velazquez moved the adoption of the amendment.

Delegate Rayburn objected.

By a vote of 53 yeas and 47 nays the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Tobias sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Tobias to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 5, in Floor Amendment No. 1 proposed by Delegate Pugh and adopted by the convention on October 26, 1973, on line 7, immediately after the word and punctuation "tax," and before the word "except" insert the following: "property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes;"

AMENDMENT No. 2—

On page 3, line 5, delete Floor Amendment Nos. 2 and 3 proposed by Delegate Pugh and adopted by the Convention on October 26, 1973.

Delegate Tobias moved the adoption of the amendments.

Delegate Fulco objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Cowen	Jackson, J.
Aertker	D'Gerolamo	Jenkins
Alario	De Blieux	Kean
Anzalone	Dennery	Kelly
Arnette	Dennis	Kilbourne
Asseff	Derbes	Kilpatrick
Avant	Drew	Landry, A.
Badeaux	Duval	Landry, E. J.
Bel	Elkins	Lanier
Bergeron	Flory	LeBleu
Bollinger	Fontenot	Leithman
Brien	Fowler	Lennox
Brown	Fulco	McDaniel
Burson	Gauthier	Maubertret
Buros	Giarrusso	Mire
Carmouche	Ginn	Munson
Casey	Goldman	Newton
Champagne	Graham	Nunez
Chatelain	Gravel	O'Neill
Chehardy	Grier	Planchard
Comar	Guarisco	Rachal
Conino	Hardee	Rayburn
Conroy	Hernandez	Reeves
Corne	Jackson, A.	Riecke

Roemer	Stephenson
Sandoz	Stovall
Schmitt	Sutherland
Segura	Thompson
Shannon	Tobias
Singletery	Toca
Slay	Toomy
Smith	Ullo
Soniat	Velazquez
Stagg	Vesich

Total—101.

Delegate Stinson
Total—1.

NAYS

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Blair
Cannon
Deshotels
Dunlap
Edwards
Fayard
Hayes
Haynes
Total—30.

Heine
Jack
Juneau
Lambert
Landrum
Leigh
Lowe
Martin
Maybuce
Miller

Ourso
Perez
Perkins
Pugh
Robinson
Roy
Tapper
Tate
Thistlethwaite
Wall

And the amendments were adopted.

Delegate Tobias moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 26, immediately after the word and punctuation "deposit," delete the remainder of the line and delete lines 27 and 28 in their entirety.

Delegate Nunez moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Kelly	Stovall
Avant	Lambert	Tapper
Bergeron	Landrum	Thompson
Brien	Landry, E. J.	Toca
Chehardy	Leithman	Vesich
D'Gerolamo	Maubertret	Vick
Flory	Munson	Warren
Fulco	Nunez	Winchester
Ginn	Reeves	Wisham
Jackson, J.	Soniat	
Total—29.		

NAYS

Delegates—		
Abraham	Burson	Dennis
Aertker	Carmouche	Derbes
Anzalone	Casey	Drew
Arnette	Champagne	Dunlap
Asseff	Chatelain	Duval
Badeaux	Comar	Elkins
Bel	Conino	Fontenot
Blair	Conroy	Fowler
Bollinger	Cowen	Giarrusso
Brown	De Blieux	Goldman
Burns	Dennery	Graham

Gravel	Lennox	Slay
Grier	Lowe	Smith
Guarisco	McDaniel	Stagg
Hardee	Martin	Stephenson
Hayes	Mire	Stinson
Heine	Newton	Sutherland
Hernandez	O'Neill	Toomy
Jack	Perez	Ullo
Jackson, A.	Planchard	Velazquez
Jenkins	Rachal	Wattigny
Kean	Riecke	Weiss
Kilbourne	Roemer	Willis
Kilpatrick	Sandoz	Womack
Landry, A.	Schmitt	Zervigon
Lanier	Segura	
LeBleu	Singletary	
Total—79.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Rayburn
Alexander	Juneau	Robinson
Cannon	Leigh	Roy
Corne	Maybucc	Shannon
Deshotels	Miller	Tate
Edwards	Ourso	Thistlethwaite
Fayard	Perkins	Tobias
Gauthier	Pugh	Wall
Total—24.		

And the amendment was rejected.

Delegate Conroy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Segura moved for a suspension of the rules in order to limit debate to two speakers for each side of the question on the remaining amendments to this Section.

Delegate Fontenot objected.

By a vote of 74 yeas and 35 nays and the rules were suspended.

Explanation of Vote

Delegate Tobias sent up the following explanation of vote with respect to the adoption of the above amendment proposed by Delegate Nunez to Section 3 of Committee Proposal 26:

I have not voted on the Nunez amendment because of my personal interest in the outcome of the results.

MAX N. TOBIAS, JR.

Delegate Munson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Munson, Womack, Hardee, Mire, Elkins, Deshotels, Perkins, McDaniel, Thompson and Lowe to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, after the word "producer" and before the comma," insert the following:
"and the unrefined products of the first processings of agricultural products while owned by the producer or processor"

Delegate Munson moved the adoption of the amendment.

Delegate De Blieux objected.

By a vote of 106 yeas and 6 nays the amendment was adopted.

Delegate Munson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Reeves sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Reeves to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 11, immediately after the word and punctuation "cultural," and before the words "or civic" delete the words "mardi-gras carnival"

Delegate Reeves moved the adoption of the amendment.

Delegate Conroy objected.

By a vote of 51 yeas and 54 nays the amendment was rejected.

Delegate Conroy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, in Floor Amendment No. 1 proposed by Delegate Munson, et al. and adopted by the convention on October 26, 1973, on line 2, of the amendment after the word "of" and before the word "products" delete the word "agricultural" and insert in lieu thereof the word "all"

Delegate Perez moved the adoption of the amendment.

Delegate Winchester objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Grier	O'Neill
Alario	Hernandez	Perez
Anzalone	Jack	Riecke
Asseff	Jackson, J.	Segura
Badeaux	Jenkins	Shannon
Bollinger	Kean	Slay
Cannon	Kelly	Soniat
Casey	Kilbourne	Stephenson
Chatelain	Lambert	Tapper
Comar	Landry, A.	Thompson
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	Leithman	Ullo
Dennery	Lowe	Vesich
Duval	Maubertret	Vick
Fulco	Miller	Wattigny
Giarrusso	Newton	Willis
Goldman	Nunez	
Total—53.		

NAYS

Delegates—		
Abraham	Champagne	Flory
Arnette	Chehardy	Fontenot
Avant	Conino	Fowler
Bergeron	Conroy	Gauthier
Blair	De Blieux	Ginn
Brien	Dennis	Gravel
Brown	Derbes	Graham
Burns	Drew	Guarisco
Burson	Dunlap	Hayes
Carmouche	Elkins	Jackson, A.

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Kilpatrick	Reeves	Tobias
LeBleu	Roemer	Velazquez
Lennox	Sandoz	Wall
McDaniel	Schmitt	Warren
Martin	Singleton	Weiss
Mire	Smith	Winchester
Munson	Stagg	Wisham
Planchard	Stinson	Womack
Rachal	Stovall	Zervigon
Rayburn	Sutherland	
Total—59.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Perkins
Alexander	Heine	Pugh
Bel	Juneau	Robinson
Deshotels	Landrum	Roy
Edwards	Leigh	Tate
Fayard	Maybuce	Thistlethwaite
Hardee	Ourso	
Total—20.		

And the amendment was rejected.

Delegate Winchester moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Perez objected to tabling the motion reconsider.

By a vote of 55 yeas and 54 nays the motion to reconsider was tabled.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bollinger to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 17, after the word and punctuation “grant- ed,” delete the remainder of the line and at the beginning of line 18, delete the word and punctuation “fuel;”

Delegate Bollinger moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Conven- tion.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hernandez	Thompson
Bollinger	LeBleu	Toomy
Casey	Lennox	Velazquez
Conino	Schmitt	Vick
De Blieux	Segura	Wall
Dennis	Slay	Warren
Derbes	Soniat	Weiss
Dunlap	Stagg	
Duval	Sutherland	
Total—25.		

NAYS

Delegates—		
Alario	Blair	Chatelain
Anzalone	Brien	Chehardy
Arnette	Brown	Conroy
Asseff	Burns	Corne
Avant	Burson	Cowen
Badeaux	Cannon	D'Gerolamo
Bel	Carmouche	Dennery
Bergeron	Champagne	Drew

Flory	Kilpatrick	Riecke
Fontenot	Lambert	Roemer
Fowler	Landry, A.	Sandoz
Fulco	Landry, E. J.	Shannon
Gauthier	Lanier	Singleton
Giarrusso	Leithman	Smith
Ginn	Lowe	Stephenson
Goldman	Martin	Stinson
Graham	Mauberret	Stovall
Gravel	Miller	Tapper
Grier	Mire	Tobias
Guarisco	Munson	Toca
Hardee	Newton	Ullo
Hayes	Nunez	Vesich
Heine	O'Neill	Wattigny
Jack	Perez	Willis
Jackson, A.	Planchard	Winchester
Jenkins	Rachal	Wisham
Kelly	Rayburn	Womack
Kilbourne	Reeves	Zervigon
Total—84.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Ourso
Aertker	Jackson, J.	Perkins
Alexander	Juneau	Pugh
Comar	Kean	Robinson
Deshotels	Landrum	Roy
Edwards	Leigh	Tate
Elkins	McDaniel	Thistlethwaite
Fayard	Maybuce	
Total—23.		

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Womack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Womack to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, delete the last line of Floor Amend- ment No. 1 proposed by Messrs. Munson, et al. and adopted by the Convention on October 26, 1973, and insert in lieu thereof the following:

“or first processor, provided that such processor does not prepare the product for final sale to the consumer”

Delegate Womack moved the adoption of the amendment.

Delegate Alario objected.

By a vote of 84 yeas and 23 nays the amendment was adopted.

Delegate Womack moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, in Floor Amendment No. 1 proposed by Delegate Munson, et al. and adopted by the convention on October 26, 1973, on line 2, of the text of the amendment after the word “products” and before the word “while” in- sert the words “and seafood”

Motion

Delegate Smith moved the previous question on the en- tire Section.

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Delegate Nunez objected.

By a vote of 28 yeas and 77 nays the Convention refused to order the previous question.

Motion

Delegate Nunez moved to withdraw the amendment.

Delegate Schmitt objected.

By a vote of 84 yeas and 3 nays the amendment was withdrawn.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, in Floor Amendment No. 1 proposed by Delegate Munson, et al. and adopted by the convention on October 26, 1973, on line 2, of the text of the amendment after the word "products" and before the word "while" insert the words "and seafood and fish products or byproducts"

Delegate Nunez moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Giarrusso	Nunez
Alario	Goldman	O'Neill
Anzalone	Graham	Perez
Bel	Gravel	Planchard
Bergeron	Grier	Rachal
Bollinger	Guarisco	Reeves
Brien	Hayes	Sandoz
Burns	Heine	Segura
Cannon	Hernandez	Slay
Carmouche	Jack	Stinson
Casey	Jenkins	Stovall
Chehardy	Kilbourne	Sutherland
Conino	Kilpatrick	Tapper
D'Gerolamo	Landry, A.	Thompson
Dennery	Landry, E. J.	Tobias
Dennis	Lanier	Toca
Derbes	LeBleu	Toomy
Drew	Leithman	Ullo
Dunlap	Lennox	Vesich
Duval	Lowe	Wattigny
Elkins	Martin	Willis
Fayard	Miller	Winchester
Fontenot	Mire	Wisham
Fowler	Munson	Womack
Fulco	Newton	Zervigon
Gauthier		
Total—75.		

NAYS

Delegates—	Cowen	Singletary
Abraham	De Blieux	Smith
Arnette	Flory	Soniat
Asseff	Ginn	Stagg
Avant	Jackson, A.	Stephenson
Badeaux	Maubert	Velazquez
Blair	Rayburn	Vick
Burson	Riecke	Warren
Champagne	Roemer	Weiss
Chatelain	Schmitt	
Conroy		
Total—29.		

NOT VOTING

Delegates—	Jackson, J.	Perkins
Mr. Chairman	Juneau	Pugh
Aertker	Kean	Robinson
Alexander	Kelly	Roy
Brown	Lambert	Shannon
Comar	Landrum	Tate
Corne	Leigh	Thistlethwaite
Deshotels	McDaniel	Wall
Edwards	Maybuce	
Hardee	Ourso	
Haynes		
Total—28.		

And the amendment was adopted.

Delegate Nunez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Warren to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, after the word "producer" and before the comma "," delete the Floor Amendment proposed by Messrs. Munson, et al. and adopted by the Convention on October 26, 1973, including all amendments to said Floor Amendment, and insert in lieu thereof the following: "and the unrefined products of the first processings of agricultural products and edible seafood while owned by the producer or first processor, provided that such processor does not prepare the product for final sale to the consumer."

Delegate Warren moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Giarrusso	Reeves
Abraham	Graham	Riecke
Alario	Gravel	Roemer
Avant	Grier	Sandoz
Badeaux	Guarisco	Schmitt
Bel	Hardee	Singletary
Bergeron	Hayes	Slay
Bollinger	Hernandez	Soniat
Brien	Jack	Stagg
Burson	Jackson, A.	Stephenson
Casey	Kelly	Stinson
Champagne	Kilpatrick	Sutherland
Chatelain	Landry, A.	Thompson
Chehardy	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	Leithman	Velazquez
Conroy	Lennox	Vick
Corne	Lowe	Wall
Cowen	McDaniel	Warren
De Blieux	Martin	Wattigny
Derbes	Maubert	Weiss
Dunlap	Miller	Willis
Elkins	Mire	Wisham
Flory	O'Neill	Womack
Fontenot	Rachal	Zervigon
Fulco	Rayburn	
Gauthier		
Total—77.		

NAYS

Delegates—	D'Gerolamo	Ginn
Anzalone	Dennery	Goldman
Arnette	Drew	Heine
Asseff	Fayard	Jenkins
Burns	Fowler	Kilbourne
Carmouche		

LeBleu	Planchard	Toomy
Newton	Segura	Vesich
Nunez	Smith	Winchester
Perez	Stovall	
Total—26.		

NOT VOTING

Delegates—	Haynes	Perkins
Mr. Chairman	Jackson, J.	Pugh
Aertker	Juneau	Robinson
Alexander	Kean	Roy
Blair	Lambert	Shannon
Brown	Landrum	Tapper
Cannon	Leigh	Tate
Dennis	Maybuce	Thistlethwaite
Deshotels	Munson	Uilo
Duval	Ourso	
Edwards		
Total—29.		

And the amendment was adopted.

Delegate Warren moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Bollinger sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Bollinger and Tapper to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 17, immediately after the word "gasoline" and before the word "as" insert the words "or diesel fuel"

Delegate Bollinger moved the adoption of the amendment.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Jenkins	O'Neill
Anzalone	Landry, A.	Reeves
Derbes	Lanier	Tobias
Elkins	LeBleu	Wall
Fayard	Lennox	Wattigny
Gauthier	Newton	
Gravel		
Total—17.		

NAYS

Delegates—	Corne	Heine
Abraham	Cowen	Hernandez
Aertker	D'Gerolamo	Jack
Alario	De Blieux	Jackson, A.
Arnette	Dennerly	Kelly
Asseff	Dennis	Kilbourne
Avant	Dunlap	Kilpatrick
Badeaux	Duval	Landry, E. J.
Bel	Flory	Leithman
Bergeron	Fontenot	Lowe
Blair	Fowler	Mauberet
Brien	Fulco	Mire
Burns	Giarrusso	Munson
Burson	Ginn	Nunez
Carmouche	Goldman	Perez
Casey	Graham	Planchard
Champagne	Grier	Rachal
Chatelain	Guarisco	Rayburn
Chehardy	Hardee	Riecke
Conino	Hayes	Roemer
Conroy		

Sandoz	Stinson	Vick
Schmitt	Stovall	Warren
Segura	Sutherland	Weiss
Singletary	Tapper	Willis
Slay	Thompson	Winchester
Smith	Toca	Womack
Soniat	Toomy	Zervigon
Stagg	Velazquez	
Stephenson	Vesich	
Total—85.		

NOT VOTING

Delegates—	Jackson, J.	Ourso
Mr. Chairman	Juneau	Perkins
Alexander	Kean	Pugh
Bollinger	Lambert	Robinson
Brown	Landrum	Roy
Cannon	Leigh	Shannon
Comar	McDaniel	Tate
Deshotels	Martin	Thistlethwaite
Drew	Maybuce	Uilo
Edwards	Miller	Wisham
Haynes		
Total—30.		

And the amendment was rejected.

Delegate Schmitt moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Anzalone sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Anzalone to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 20, immediately after the word "Highways" change the period to a semicolon ";" and add the following: "all books, papers, office equipment, and supplies of law offices."

Motion

Delegate Lowe moved the previous question on the entire subject matter.

Delegate Rayburn objected.

By a vote of 22 yeas and 77 nays and the Convention refused to order the previous question on the entire subject matter.

Delegate Anzalone moved the adoption of the amendment.

Delegate Planchard objected.

By a vote of 1 yeas and 99 nays the amendment was rejected.

Delegate Planchard moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Drew to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 29, after the word "governor" delete the comma "," and delete the remainder of the line and at the beginning of line 30, delete the partial word "ity"

AMENDMENT No. 2—

On page 5, line 2, after the word "governor" delete the comma "," delete the remainder of the line and at the beginning of line 3, delete the word and punctuation "ity,"

AMENDMENT No. 3—

On page 5, at the end of line 10, delete the words "No ex-" and delete lines 11 through 16, both inclusive, in their en-

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tirety and at the beginning of line 17, delete the words and punctuation "of exemption."

On motion of Delegate Drew a division of the question was ordered.

Motion

Delegate O'Neill moved to suspend the temporary rules which allowed two speakers for each side on the remaining amendments to this Section in order to allow unlimited debate to the amendments now under consideration.

Delegate Schmitt objected.

By a vote of 49 yeas and 31 nays the Convention refused to suspend the rules.

Delegate Drew moved the adoption of Amendments Nos. 1 and 2.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fowler	Riecke
Asseff	Ginn	Sandoz
Avant	Graham	Slay
Blair	Gravel	Soniat
Brien	Hayes	Stagg
Casey	Hernandez	Stinson
Conroy	Jackson, A.	Sutherland
Cowen	Jenkins	Tobias
De Blieux	Lennox	Wattigny
Dennery	Lowe	Weiss
Dennis	Mire	Winchester
Drew	Newton	Zervigon
Flory	O'Neill	
Total—38.		

NAYS

Delegates—

Aertker	Fontenot	Planchard
Alario	Fulco	Rachal
Anzalone	Gauthier	Rayburn
Arnette	Giarrusso	Reeves
Badeaux	Goldman	Roemer
Bergeron	Grier	Schmitt
Bollinger	Hardee	Shannon
Burns	Jack	Singletary
Burson	Kelly	Smith
Carmouche	Kilpatrick	Stephenson
Champagne	Landrum	Stovall
Chatelain	Landry, A.	Tapper
Chehardy	Landry, E. J.	Thompson
Comar	Lanier	Toca
Conino	LeBleu	Toomy
Corne	Leithman	Velazquez
D'Gerolamo	McDaniel	Vesich
Derbes	Mauberrret	Warren
Duval	Nunez	Willis
Elkins	Perez	Wisham
Fayard		
Total—61.		

NOT VOTING

Delegates—

Mr. Chairman	Guarisco	Leigh
Alexander	Haynes	Martin
Bel	Heine	Maybuce
Brown	Jackson, J.	Miller
Cannon	Juneau	Munson
Deshotels	Kean	Ourso
Dunlap	Kilbourne	Perkins
Edwards	Lambert	Pugh

Robinson	Tate	Vick
Roy	Thistlethwaite	Wall
Segura	Ullo	Womack
Total—33.		

And the amendments were rejected.

Delegate Schmitt moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Drew moved the adoption of Amendment No. 3.

Delegate Schmitt objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Fayard	Perez
Alario	Fontenot	Planchard
Anzalone	Fowler	Rachal
Arnette	Gauthier	Reeves
Asseff	Ginn	Riecke
Badeaux	Goldman	Roemer
Bergeron	Gravel	Sandoz
Blair	Graham	Schmitt
Bollinger	Grier	Segura
Brien	Hardee	Shannon
Burns	Hernandez	Singletary
Burson	Jack	Smith
Carmouche	Jackson, A.	Soniat
Casey	Jenkins	Stagg
Champagne	Kilpatrick	Stinson
Chatelain	Landry, A.	Stovall
Chehardy	Lanier	Sutherland
Comar	LeBleu	Tapper
Conino	Leithman	Thompson
Cowen	Lennox	Toca
D'Gerolamo	Lowe	Toomy
Dennery	McDaniel	Wattigny
Dennis	Mire	Weiss
Derbes	Newton	Willis
Drew	Nunez	Wisham
Duval	O'Neill	Zervigon
Elkins		
Total—79.		

NAYS

Delegates—

Abraham	Giarrusso	Slay
Avant	Hayes	Stephenson
Conroy	Kelly	Tobias
Corne	Landrum	Velazquez
De Blieux	Landry, E. J.	Vesich
Flory	Mauberrret	Warren
Fulco	Rayburn	Winchester
Total—21.		

NOT VOTING

Delegates—

Mr. Chairman	Jackson, J.	Perkins
Alexander	Juneau	Pugh
Bel	Kean	Robinson
Brown	Kilbourne	Roy
Cannon	Lambert	Tate
Deshotels	Leigh	Thistlethwaite
Dunlap	Martin	Ullo
Edwards	Maybuce	Vick
Guarisco	Miller	Wall
Haynes	Munson	Womack
Heine	Ourso	
Total—32.		

And the amendment was adopted.

Delegate Drew moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice Chairman Casey in the Chair

Delegate D'Gerolamo sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates D'Gerolamo, Chehardy, Toca and Nunez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 28 through 32, both inclusive, in their entirety and delete page 5 in its entirety and on page 6, delete lines 1 through 5, both inclusive, including all Floor Amendments to said pages and lines in their entirety and insert in lieu thereof the following:

"(F) Any new manufacturing establishment or an addition to any manufacturing establishment already existing in the state may be exempted from ad valorem taxation for a period not to exceed ten years. Such exemption shall only be granted as provided by law and by approval of the local governing authority in which the manufacturing establishment is or will be located."

Delegate D'Gerolamo moved the adoption of the amendment.

Delegate Stagg objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fayard
Anzalone	Gauthier
Badeaux	Landry, A.
Bergeron	Landry, E. J.
Bollinger	Lanier
Burson	LeBleu
Chatelain	Leithman
Chehardy	Mauberrret
Comar	Newton
Conino	Nunez
D'Gerolamo	Perez
De Blieux	Planchard
Derbes	Rachal
Duval	Reeves
Total—41.	

NAYS

Delegates—

Abraham	Fulco	Mire
Arnette	Giarrusso	O'Neill
Asseff	Goldman	Rayburn
Avant	Graham	Roemer
Brien	Gravel	Sandoz
Burns	Grier	Segura
Casey	Hayes	Slay
Champagne	Haynes	Smith
Conroy	Heine	Soniat
Corne	Hernandez	Stagg
Cowen	Jack	Sutherland
Dennery	Jackson, A.	Tobias
Dennis	Jenkins	Warren
Drew	Kelly	Wattigny
Elkins	Lennox	Winchester
Flory	Lowe	Wisham
Fontenot	Martin	Zervigon
Fowler		
Total—50.		

NOT VOTING

Delegates—

Mr. Chairman	Brown	Edwards
Aertker	Cannon	Ginn
Alexander	Carmouche	Guarisco
Bel	Deshotels	Hardee
Blair	Dunlap	Jackson, J.

Juneau
Kean
Kilbourne
Kilpatrick
Lambert
Landrum
Leigh
McDaniel
Total—41.

Maybuce
Miller
Munson
Ourso
Perkins
Pugh
Robinson
Roy

Stephenson
Stovall
Tate
Thistlethwaite
Vick
Wall
Weiss
Womack

And the amendment was rejected.

Delegate Stagg moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chehardy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Chehardy, Schmitt, D'Gerolamo and Toca to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 5 and 6, add the following:

"Any exemption granted under authority of this Paragraph shall be granted only in accordance with a formula which will grant one percent of the total exemption to be granted for every ten new permanent jobs created, up to an exemption of one hundred percent for a manufacturing establishment which provides one thousand or more new permanent jobs."

Delegate Chehardy moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fayard	Schmitt
Anzalone	Flory	Segura
Avant	Gauthier	Singletary
Bergeron	Jackson, A.	Stovall
Burson	Leithman	Velazquez
Chatelain	Mauberrret	Toca
Chehardy	Nunez	Warren
Conino	Perez	Willis
D'Gerolamo	Reeves	
De Blieux	Riecke	
Total—28.		

NAYS

Delegates—

Abraham	Goldman	Rayburn
Arnette	Graham	Roemer
Asseff	Gravel	Sandoz
Badeaux	Grier	Shannon
Bollinger	Hayes	Slay
Brien	Heine	Smith
Burns	Hernandez	Soniat
Casey	Jack	Stagg
Champagne	Jenkins	Stephenson
Conroy	Landry, A.	Stinson
Corne	Landry, E. J.	Sutherland
Cowen	Lanier	Tapper
Dennery	LeBleu	Thompson
Dennis	Lennox	Tobias
Derbes	Lowe	Toomy
Drew	Martin	Vesich
Elkins	Mire	Wattigny
Fontenot	Newton	Winchester
Fowler	O'Neill	Wisham
Fulco	Planchard	Zervigon
Giarrusso	Rachal	
Total—62.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Miller
Aertker	Hardee	Munson
Alexander	Haynes	Ourso
Bel	Jackson, J.	Perkins
Blair	Juneau	Pugh
Brown	Kean	Robinson
Cannon	Kelly	Roy
Carmouche	Kilbourne	Tate
Comar	Kilpatrick	Thistlethwaite
Deshotels	Lambert	Ullo
Dunlap	Landrum	Vick
Duval	Leigh	Wall
Edwards	McDaniel	Weiss
Ginn	Maybuce	Womack
Total—42.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Kean, Newton, Graham, Roemer and Stovall to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 28 through 32, both inclusive, in their entirety and delete page 5 in its entirety and on page 6, delete lines 1 through 5, both inclusive, including all Floor Amendments to said pages and lines, in their entirety and insert in lieu thereof the following:

“(F) The industrial exemption from state and local property taxes provided for in Paragraph 10, Section 4, Article

X of the 1921 Constitution is retained and shall remain in full force and effect. The legislature, by favorable vote of two-thirds of the elected members of each house, may amend or repeal any provision therein.”

Delegate Gravel moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 40 yeas and 50 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Stovall moved that the Convention take up other Orders of Business at this time.

Delegate Abraham objected.

By a vote of 50 yeas and 36 nays the Convention took up other Orders of Business.

Leaves of Absence

Delegate Juneau—1 day.

Delegate Alexander—October 26 through November 10.

Delegate Lowe—½ day.

Delegate J. Jackson—1/3 day.

Adjournment

Delegate Rayburn moved that the Convention do now adjourn until Saturday, October 27, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Vice-Chairman Casey declared the Convention adjourned to Saturday, October 27, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SEVENTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, October 27, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—

Mr. Chairman	Fowler
Abraham	Fulco
Aertker	Gauthier
Alario	Giarrusso
Anzalone	Ginn
Arnette	Goldman
Asseff	Graham
Avant	Gravel
Badeaux	Grier
Bergeron	Guarisco
Blair	Hayes
Bollinger	Heine
Brien	Hernandez
Brown	Jack
Burns	Jackson, A.
Burson	Jackson, J.
Cannon	Jenkins
Carmouche	Kelly
Casey	Kilbourne
Champagne	Kilpatrick
Chatelain	Landrum
Chehardy	Landry, A.
Comar	Landry, E. J.
Conino	Lanier
Conroy	LeBieu
Corne	Leigh
Cowen	Leithman
D'Gerolamo	Lennox
De Blieux	Lowe
Dennery	McDaniel
Dennis	Martin
Derbes	Maubertret
Drew	Maybuce
Edwards	Miller
Elkins	Mire
Fayard	Munson
Flory	Newton

Total—110.

ABSENT

Delegates—

Alexander	Juneau
Bel	Kean
Deshotels	Lambert
Dunlap	Ourso
Duval	Perkins
Fontenot	Pugh
Hardee	Rachal
Haynes	Robinson

Total—22.

The Chairman announced that there were 110 members
present and a quorum.

Prayer

Prayer was offered by Delegate Schmitt.

Pledge of Allegiance

Delegate Nunez led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Singletary, the reading of the Jour-
nal was dispensed with.

On motion of Delegate Singletary, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 3. Homestead Exemption; Other Property Exemptions

Section 3. The following property shall be exempt from ad
valorem taxation: (A) Homesteads. From state, parish, and
special taxes, the homestead, bona fide, consisting of a tract
of land, or two or more tracts of land with a residence on
one tract and a field, pasture, or garden on the other tract
or tracts, not exceeding one hundred and sixty acres, build-
ings and appurtenances, whether rural or urban, owned and
occupied by any person, in the full amount of five thousand
dollars of the assessed valuation. However, veterans and
persons sixty-five years or older shall be provided with a
homestead exemption of six thousand dollars of the as-
sessed valuation. No exemption shall extend to any munici-
pal or city taxes except the following: (1) in Orleans Parish
this exemption shall apply to the state, the general city, the
school, the levee, and levee board taxes; (2) to any munici-
pal or city taxes levied for school purposes. The exemption
of homestead shall extend to the surviving spouse or minor
child or children of a deceased owner and to the bona fide
homestead when occupied as such and title thereto is in
either husband or wife, provided that this exemption shall
not be extended to more than one homestead owned by the
husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by reli-
gious denominations and used as residences for clergy or
religious; places of burial, and property held by any religious
denomination or nonprofit corporation or organization for
burial purposes, but the exemption shall not apply to unsold
lots, crypts, or places for burial nor shall it apply to lands
held for development as places for burial, when so held for
profit; universities, schools and colleges; places devoted to
charitable undertakings; hospitals, nursing homes, homes for
the aged, convalescent and rehabilitation facilities, institu-
tions for treatment, rehabilitation and care of the physically
and mentally handicapped or retarded, orphanages, child
and/or day care centers, which are organized as non-profit
corporations under the Louisiana Non-profit Corporations
Law or which are exempt from federal and state income
taxation law which are licensed or regulated by the state of
Louisiana; organizations such as lodges and clubs organized
for charitable and fraternal purposes and practicing the
same; but exemption shall extend only to property, and

grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 26, Section 3, when it adjourned on Friday, October 27, 1973, which was taken up and acted upon as follows:

Motion

Delegate Planchard moved for a suspension of the rules in order to suspend the temporary rules which limited debate to two speakers for each side of the question on the remaining amendments to Section 3.

Delegate Abraham objected.

By a vote of 45 yeas and 42 nays and the Convention refused to suspend the rules at this time.

Motion

Delegate Mire moved that the Convention defer further action on Section 3 at this time.

Delegate D'Gerolamo objected.

By a vote of 64 yeas and 27 nays the Convention deferred further action on Section 3 at this time.

Section 4. No Impairment of Existing Taxes or Obligations

Section 4. The provisions of Article XI, Section 2, in no way shall be construed or applied in such a manner as to: (a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Read.

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 3

74th Days Proceedings—October 27, 1973

AMENDMENT No. 1—

On page 7, line 15, after the word "of" delete the remainder of the line and insert in lieu thereof the following:
"this Article in no"

On motion of Delegate Tobias the amendment was adopted.

Delegate Tobias moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rayburn to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 14 and 15 in their entirety, and insert in lieu thereof the following:

"Section 4. Limitation on Bonded Debt; Impairment of Existing Taxes and Obligations Prohibited

Section 4. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes, including property exempt as homesteads to be ascertained by the last such valuation for assessment purposes previous to incurring such indebtedness.

(B) The provisions of this Article in no"

On motion of Delegate Rayburn the amendment was withdrawn.

Passage

Committee Proposal No. 26, Section 4, was read, as amended.

Delegate Slay moved the passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	D'Gerolamo	Kilpatrick
Abraham	De Blieux	Landrum
Aertker	Dennery	Landry, A.
Alario	Derbes	Landry, E. J.
Anzalone	Drew	Lanier
Arnette	Edwards	LeBleu
Asseff	Elkins	Leithman
Badeaux	Fayard	Lennox
Bergeron	Fowler	Lowe
Blair	Fulco	McDaniel
Bollinger	Gauthier	Martin
Brien	Giarrusso	Mauberrret
Brown	Ginn	Miller
Burns	Goldman	Mire
Burson	Graham	Newton
Cannon	Gravel	Nunez
Carmouche	Grier	Planchard
Casey	Guarisco	Rayburn
Champagne	Hayes	Reeves
Chatelain	Heine	Riecke
Chehardy	Hernandez	Roemer
Comar	Jack	Sandoz
Conino	Jackson, A.	Schmitt
Conroy	Jackson, J.	Shannon
Corne	Kelly	Singletary
Cowen	Kilbourne	Slay

Smith	Tate	Wall
Soniat	Tobias	Warren
Stagg	Toca	Wattigny
Stinson	Toomy	Willis
Stovall	Velazquez	Winchester
Sutherland	Vesich	Wisham
Tapper	Vick	Zervigon
Total—99.		

NAYS

Delegates—		
Avant	Jenkins	O'Neill
Dennis	Maybuce	Segura
Flory		
Total—7.		

NOT VOTING

Delegates—		
Alexander	Kean	Robinson
Bel	Lambert	Roy
Deshotels	Leigh	Stephenson
Dunlap	Munson	Thistlethwaite
Duval	Ourso	Thompson
Fontenot	Perez	Ullo
Hardee	Perkins	Weiss
Haynes	Pugh	Womack
Juneau	Rachal	
Total—26.		

And the Chair declared that the above Section was passed.

Delegate Slay moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Adjustment of Ad Valorem Tax Millages

Section 5. The amount of taxes collected by any taxing authority in the state shall not be increased or decreased because of the method of assessing property at a uniform ratio of assessment to value as provided in Article XI, Section 1, and it shall be the mandatory duty of all taxing authorities to adjust millages proportionate to adjustments in assessment values so as to produce the same total dollar amount of revenue. Such millage adjustments shall be made without regard to limitations contained elsewhere in this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increased property values due to economic conditions. Nothing contained herein shall be construed to diminish the security of outstanding bonds.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Mire, Casey and Gravel to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, after "Section 5." delete the remainder of the line and delete lines 23 through 28, both inclusive, in their entirety and at the beginning of line 29, delete the words and punctuation "amount of revenue." and insert in lieu thereof the following:

"The total amount of taxes collected by any taxing authority shall not be increased or decreased because of implementation of the provisions of Section 1 of this Article relating to change in the method of assessing property and increased homestead exemption. Upon implementation of such provisions, it shall be the mandatory duty of taxing authorities to adjust each millage in inverse proportion to the change in total taxable assessments so as to produce the same total dollar amount of revenue as would have been produced by the methods of assessing property and homestead exemptions theretofore in effect."

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Chehardy, Conroy, Mire, Gravel, Lowe, Schmitt, De Blieux, Champagne, Roe-

mer, Slay and Winchester to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, after the words and punctuation "Section 5," delete the remainder of the line and delete lines 23 through 30, both inclusive, in their entirety and at the beginning of line 31, delete the word and punctuation "constitution," and insert in lieu thereof the following:

"The total amount of ad valorem tax revenues actually collected by any taxing authority in the state shall not be increased or decreased because of the provisions of this Article above or below ad valorem tax revenues actually collected by such taxing authority in the year immediately preceeding the year in which provisions of this constitution relating to ad valorem taxes are implemented. To accomplish this result, it shall be the mandatory duty of each affected taxing authority to adjust millages upwards or downwards, without regard to millage limitations contained in Article VI of this constitution."

Delegate Conroy moved the adoption of the amendment.

Delegate Cannon objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	O'Neill
Abraham	Fulco	Planchar
Aertker	Gauthier	Rayburn
Alario	Giarrusso	Reeves
Anzalone	Ginn	Riecke
Avant	Goldman	Roemer
Badeaux	Graham	Sandoz
Bergeron	Gravel	Schmitt
Blair	Grier	Segura
Bollinger	Hernandez	Slay
Brien	Jack	Soniat
Brown	Jackson, A.	Stagg
Burns	Jackson, J.	Stephenson
Carmouche	Jenkins	Sutherland
Casey	Kilpatrick	Tate
Champagne	Landry, A.	Tobias
Chehardy	Landry, E. J.	Toca
Comar	Lanier	Toomy
Conino	LeBleu	Velazquez
Conroy	Leigh	Vesich
Corne	Leithman	Vick
Cowen	Lennox	Warren
D'Gerolamo	Lowe	Wattigny
De Blieux	McDaniel	Willis
Dennery	Martin	Winchester
Dennis	Maybuce	Wisham
Derbes	Mire	Zervigon
Edwards	Newton	
Fayard		
Total—83.		

NAYS

Delegates—	Heine	Perez
Cannon	Kilbourne	Shannon
Chatelain	Nunez	Singletary
Hayes		
Total—9.		

NOT VOTING

Delegates—	Elkins	Landrum
Mr. Chairman	Fontenot	Mauberet
Alexander	Fowler	Miller
Arnette	Guarisco	Munson
Asseff	Hardee	Ourso
Bel	Haynes	Perkins
Burson	Juneau	Pugh
Deshotels	Kean	Rachal
Drew	Kelly	Robinson
Dunlap	Lambert	Roy
Duval		

Smith	Thistlethwaite	Weiss
Stinson	Thompson	Womack
Stovall	Uilo	
Tapper	Wall	
Total—40.		

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Zervigon moved to defer further action on Section 5, at this time.

Delegate Shannon objected.

By a vote of 49 yeas and 30 nays further action on Section 5 was deferred.

Motion

Delegate Newton moved that action on Committee Proposal, Section 6 and 7, be deferred at this time.

As a substitute Delegate Perez moved that the Convention resolve itself into a Committee of the Whole for the purpose of discussing Sections 6 and 7 for a period of one hour.

Delegate Mire objected.

As a further substitute, Delegate Rayburn moved that the Convention take up other Orders of Business at this time.

Delegate Abraham objected.

By a vote of 48 yeas and 30 nays the Convention took up other Orders of Business at this time.

Motion

On motion of Delegate Zervigon, the Convention altered the Order of Business to take up Introduction of Resolutions at this time.

**Introduction of Resolutions
Delegate and Committee Resolution**

The following delegates and Chairmen on behalf of their committees introduced the following entitled resolutions:

COMMITTEE RESOLUTION No. 12—

Introduced by Delegate Zervigon, Chairperson of the Committee on Legislative Liaison and Transitional Measures, and Delegates Comar, D'Gerolamo, Drew, Fayard, Hardee, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Munson, Rayburn, Smith, Thompson, Vick and Womack:

A RESOLUTION

To extend the date by which certain reports shall be transmitted to the Committee on Legislative Liaison and Transitional Measures.

WHEREAS, Committee Resolution Number 11 of this Convention recognizes the need for providing certain information to the Committee on Legislative Liaison and Transitional Measures in order that proper plans may be made to effectuate the transition from the Constitution of 1921 to the new Constitution; and

WHEREAS, it has become evident that the date by which status reports from each substantive committee to the Committee on Legislative Liaison and Transitional Measures should be extended.

THEREFORE, BE IT RESOLVED that each of the eight substantive committees of the Constitutional Convention of 1973 shall divide the material within its jurisdiction into the categories set forth in Committee Resolution Number 11 and shall submit the written report therein required to the Convention within ten days after first enrollment of each committee and delegate proposal or by November 15, 1973, whichever is the later date.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted without delay to the chairman of each of the eight substantive committees of this Convention.

Read.

Lies over under the rules.

Report

On motion of Delegate Lowe the following report was ordered incorporated in the Official Journal.

CONSTITUTIONAL CONVENTION 1973

Actual Expense January 5 through June 30, 1973

Budget for July 1, 1973 through March 31, 1974

	Total Budget	Expenses 1/4-6/30/73	July 1973	August 1973	September 1973	October 1973	November 1973	December 1973	January 1974	February 1974	March 1974
Expenses											
Salaries:											
Research	603,765.79	175,516.79	61,300.00	62,300.00	63,300.00	64,300.00	65,300.00	65,300.00	15,483.00	15,483.00	15,483.00
Clerk's Office	140,684.92	6,584.92	22,000.00	22,000.00	22,000.00	22,000.00	22,000.00	22,000.00	1,000.00	1,000.00	1,000.00
Finance	15,680.92	1,282.50	1,282.50	1,282.50	1,500.00	1,500.00	1,757.50	1,757.50	850.00	850.00	850.00
Public Information	41,968.37	6,444.09	4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	4,100.00	3,650.00	3,650.00	3,624.28
Total	802,000.00	191,596.72	88,682.50	89,682.50	90,900.00	91,900.00	93,157.50	93,157.50	20,983.00	20,983.00	20,957.28
Employer's Fringe Benefit Share											
Teacher's Retirement	3,000.00	1,073.03	255.00	255.00	255.00	255.00	255.00	255.00	150.00	150.00	96.97
State Retirement	45,550.00	9,615.10	5,180.00	5,280.00	5,400.00	5,475.00	5,500.00	5,500.00	1,200.00	1,200.00	1,199.90
F.I.C.A.	2,000.00	255.07	250.00	250.00	250.00	250.00	250.00	250.00	100.00	100.00	44.93
Group Hospitalization	3,300.00	1,086.32	335.00	335.00	335.00	335.00	335.00	325.00	100.00	100.00	13.68
Group Life	1,300.00	294.55	125.00	125.00	125.00	125.00	125.00	125.00	90.00	90.00	75.45
Workmen's Compensation	2,500.00	.....	417.00	417.00	417.00	417.00	416.00	416.00	.....	.....	.....
Total	57,650.00	12,324.07	6,562.00	6,662.00	6,782.00	6,857.00	6,881.00	6,871.00	1,640.00	1,640.00	1,430.93
Other Expenses											
Wages—Per Diem	144,000.00	16,490.00	17,000.00	18,510.00	20,000.00	20,000.00	20,000.00	20,000.00	4,000.00	4,000.00	4,000.00
Delegate—Per Diem	1,020,000.00	177,100.00	133,700.00	133,800.00	133,800.00	133,800.00	133,800.00	133,800.00	13,400.00	13,400.00	13,400.00
Meeting Expense	178,000.00	25,486.95	25,300.00	25,300.00	25,300.00	25,300.00	25,300.00	25,000.00	700.00	200.00	113.05
Postage	10,000.00	4,222.36	900.00	900.00	900.00	900.00	900.00	900.00	155.00	115.00	107.64
Printing	10,000.00	1,155.93	1,000.00	1,000.00	1,500.00	1,500.00	1,500.00	1,500.00	300.00	300.00	264.07
Daily Journal	490,800.00	.....	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,000.00	70,800.00	.....	.....
Equipment Rental	120,110.88	12,649.73	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	10,000.00	7,000.00	461.15
Telephones	15,000.00	3,584.49	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,000.00	1,000.00	415.51
Staff Travel	14,000.00	1,147.29	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	852.71	.....	.....
Office Supplies	60,000.00	10,743.53	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00	1,000.00	256.47	.....
Equipment Purchase	1,033.23	1,033.23	.....	.....	.....	.....	.....	.....	.....	.....	.....
LSU Renovation	11,799.00	11,799.00	5,606.89	.....	.....	.....	.....	.....	.....	.....	.....
White House Inn Renovation	5,606.89	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	2,080,350.00	265,392.51	280,006.89	276,010.00	278,000.00	278,000.00	278,000.00	277,700.00	102,207.71	26,271.47	18,761.42
GRAND TOTAL	\$2,940,000.00	\$469,313.30	\$375,251.39	\$372,354.50	\$375,682.00	\$376,757.00	\$378,038.50	\$377,728.50	\$124,830.71	\$48,894.47	\$41,149.63

Respectfully submitted by

HERMAN "MONDAY" LOWE
Treasurer
Constitutional Convention 1973

CONSTITUTIONAL CONVENTION 1973
Comparison of Budgeted and Actual Expenses

Expenses	JULY 1973				JANUARY 5, 1973-JULY 31, 1973			
	Budget	Actual	Actual		Budget	Actual	Actual	
			Over	Under			Over	Under
Salaries								
Research	61,300.00	50,469.89		10,830.11	236,816.79	225,986.68		10,830.11
Clerk's Office	22,000.00	15,836.74		6,163.26	27,584.92	21,421.66		6,163.26
Finance	1,282.50	1,259.08		23.42	5,333.42	5,310.00		23.42
Public Information	4,100.00	3,163.90		936.10	10,544.09	9,607.99		936.10
Total:	88,682.50	70,729.61		17,952.89	280,279.22	262,326.33		17,952.89
Employer's Fringe Benefit Share								
Teachers' Retirement	255.00	235.38		19.62	1,328.03	1,308.41		19.62
State Retirement	5,180.00	3,667.67		1,512.33	14,795.10	13,282.77		1,512.33
F.I.C.A.	250.00	392.32	142.32		505.07	647.39	142.32	
Group Hospitalization	335.00	356.20	21.20		1,421.32	1,442.52	21.20	
Group Life	125.00	112.55		12.45	419.55	407.10		12.45
Workmen's Compensation	417.00	.....		417.00	417.00	.....		417.00
Total:	6,562.00	4,764.12	163.52	1,961.40	18,886.07	17,088.19	163.52	1,961.40
Other Expenses								
Wages—Per Diem	17,000.00	16,155.00		845.00	33,490.00	32,645.00		845.00
Delegate—Per Diem	133,700.00	79,280.07		54,419.93	310,800.00	256,380.07		54,419.93
Meeting Expense	25,300.00	3,115.76		22,184.24	50,786.95	28,602.71		22,184.24
Postage	900.00	702.28		197.72	5,122.36	4,924.64		197.72
Printing	1,000.00	2,181.05	1,181.05		2,135.93	3,316.98	1,181.05	
Daily Journal	70,000.00	13,721.64		56,278.36	70,000.00	13,721.64		56,278.36
Equipment Rental	15,000.00	17,142.54	2,142.54		27,649.73	29,792.27	2,142.54	
Telephones	1,500.00	3,713.96	2,213.96		5,084.49	7,298.45	2,213.96	
Staff Travel	2,000.00	1,357.70		642.30	3,147.29	2,504.99		642.30
Office Supplies	8,000.00	2,627.01		5,372.99	18,743.53	13,370.54		5,372.99
Equipment Purchase	.....	.....			1,033.23	1,033.23		
L.S.U. Renovation	.....	.....			11,799.00	11,799.00		
White House Inn Renovation	5,606.89	5,606.89			5,606.89	5,606.89		
Total:	280,006.89	145,603.90	5,537.55	139,940.54	545,399.40	410,996.41	5,537.55	139,940.54
GRAND TOTAL:	\$375,251.39	221,097.63	5,701.07	159,854.83	844,564.69	690,410.93	5,701.07	159,854.83

Respectfully submitted by

HERMAN "MONDAY" LOWE
Treasurer
Constitutional Convention 1973

CONSTITUTIONAL CONVENTION 1973
Comparison of Budgeted and Actual Expenses

Expenses	AUGUST 1973				JANUARY 5, 1973 THROUGH AUGUST 1973			
	Budget	Actual	Actual		Budget	Actual	Actual	
			Over	Under			Over	Under
Salaries								
Research	62,300.00	47,489.97		14,810.00	299,116.79	273,476.65		25,640.14
Clerk's Office	22,000.00	15,724.81		6,275.19	49,584.92	37,146.47		12,438.45
Finance	1,282.50	1,315.42	32.92		6,615.92	6,625.42	9.50	
Public Information	4,100.00	3,876.98		223.02	14,644.09	13,484.97		1,159.12
Total:	89,682.50	68,407.18	32.92	21,308.21	369,961.72	330,733.51	9.50	39,237.71
Employer's Fringe Benefit Share								
Teachers' Retirement	255.00	235.39		19.61	1,583.03	1,543.80		39.23
State Retirement	5,280.00	3,907.19		1,372.81	20,075.10	17,189.96		2,885.14
F.I.C.A.	250.00	170.48		79.52	755.07	817.87	62.80	
Group Hospitalization	335.00	356.20	21.20		1,756.32	1,798.72	42.40	
Group Life	125.00	112.55		12.45	544.55	519.65		24.90
Workmen's Compensation	417.00	.....		417.00	834.00	.....		834.00
Total:	6,662.00	4,781.81	21.20	1,901.39	25,548.07	21,870.00	105.20	3,783.27
Other Expenses								
Wages—Per Diem	18,510.00	16,160.00		2,350.00	52,000.00	48,805.00		3,195.00
Delegate—Per Diem	133,800.00	110,915.40		22,884.60	444,600.00	367,295.47		77,304.53
Meeting Expense	25,300.00	4,320.00		20,980.00	76,086.95	32,922.71		43,164.24
Postage	900.00	224.01		675.99	6,022.36	5,148.65		873.71
Printing	1,000.00	1,326.59	326.59		3,135.93	4,643.57	1,507.64	
Daily Journal	70,000.00	11,255.63		58,744.37	140,000.00	24,977.27		115,022.73
Equipment Rental	15,000.00	9,681.90		5,318.10	42,649.73	39,474.17		3,175.56
Telephones	1,500.00	1,500.00			6,584.49	8,798.45	2,213.96	
Staff Travel	2,000.00	120.76		1,879.24	5,147.29	2,625.75		2,521.54
Office Supplies	8,000.00	5,771.39		2,228.61	26,743.53	19,141.93		7,601.60
Equipment Purchase	.....	.....			1,033.23	1,033.23		
L.S.U. Renovation	.....	.....			11,799.00	11,799.00		
White House Inn Renovation	.....	.....			5,606.89	5,606.89		
Total:	276,010.00	161,275.68	326.59	115,060.91	821,409.40	572,272.09	3,721.60	252,858.91
GRAND TOTAL:	\$372,354.50	233,464.67	380.71	138,270.51	1,216,919.19	924,875.60	3,836.30	295,879.89

Respectfully submitted by

HERMAN "MONDAY" LOWE
Treasurer
Constitutional Convention 1973

CONSTITUTIONAL CONVENTION 1973
Comparison of Budgeted and Actual Expenses

	SEPTEMBER 1973				JANUARY 5, 1973 THROUGH SEPTEMBER 1973			
	Budget	Actual	Actual		Budget	Actual	Actual	
			Over	Under			Over	Under
Expenses								
Salaries								
Research	63,300.00	44,078.24		19,221.76	362,416.79	317,554.89		44,876.98
Clerk's Office	22,000.00	18,037.78		3,962.22	71,584.92	55,184.25		16,400.67
Finance	1,500.00	1,315.42		184.58	8,115.92	7,940.84		175.08
Public Information	4,100.00	3,876.98		223.02	18,744.09	17,361.95		1,382.14
Total:	90,900.00	67,308.42		23,591.58	460,861.72	398,041.93		62,819.79
Employer's Fringe Benefit Share								
Teacher's Retirement	255.00	235.38		19.62	1,838.03	1,779.18		58.85
State Retirement	5,400.00	3,787.95		1,612.05	25,475.10	20,977.91		4,497.19
F.I.C.A.	250.00	143.90		106.10	1,005.07	961.77		43.30
Group Hospitalization	335.00	309.46		25.54	2,091.32	2,108.18	16.86	
Group Life	125.00	99.39		25.61	669.55	619.04		50.51
Workmen's Compensation	417.00	370.50		46.50	1,251.00	370.50		880.50
Total:	6,782.00	4,946.58		1,835.42	32,330.07	26,816.58	16.86	5,530.35
Other Expenses								
Wages—Per Diem	20,000.00	20,475.00	475.00		72,000.00	69,280.00		2,720.00
Delegate—Per Diem	133,800.00	100,718.25		33,081.75	578,400.00	468,013.72		110,386.28
Meeting Expense	25,300.00	4,080.00		21,220.00	101,386.95	37,002.71		64,384.24
Postage	900.00	83.49		816.51	6,922.36	5,232.14		1,690.22
Printing	1,500.00	285.91		1,214.09	4,635.93	4,929.48	293.55	
Daily Journal	70,000.00	7,503.76		62,496.24	210,000.00	32,481.03		177,518.97
Equipment Rental	15,000.00	5,507.19		9,492.81	57,649.73	44,981.36		12,668.37
Telephones	1,500.00	2,728.99	1,228.99		8,084.49	11,527.44	3,442.95	
Staff Travel	2,000.00	58.14		1,941.86	7,147.29	2,683.89		4,463.40
Office Supplies	8,000.00	1,739.87		6,260.13	34,743.53	20,881.80		13,861.73
Equipment Purchase					1,033.23	1,033.23		
L.S.U. Renovation					11,799.00	11,799.00		
White House Inn Renovation					5,606.89	5,606.89		
Total:	5278,000.00	143,180.60	1,703.99	136,523.39	1,099,409.40	715,452.69	3,736.50	387,693.21
GRAND TOTAL:	\$375,682.00	215,435.60	1,703.99	161,950.39	1,592,601.19	1,140,311.20	3,753.36	456,043.35

Respectfully submitted by

HERMAN "MONDAY" LOWE
Treasurer
Constitutional Convention 1973

Leaves of Absence

Delegate Rachal—1 day.
Delegate Weiss—1 day.
Delegate Thompson—1 day.
Delegate Bel—1 day.
Delegate Ullo—1 day.
Delegate Kean—1 day.
Delegate Perkins—1 day.
Delegate Juneau—1 day.
Delegate Thistlethwaite—Indefinite.

Adjournment

Delegate Shannon moved that the Convention do now adjourn until Wednesday, October 31, 1973, at 1:00 o'clock P.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, October 31, 1973, at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

SEVENTY FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, October 31, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Rachal
Anzalone	Goldman	Rayburn
Arnette	Graham	Reeves
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bel	Hardee	Schmitt
Bergeron	Hayes	Segura
Blair	Haynes	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Slay
Brown	Jack	Smith
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Cannon	Jenkins	Stephenson
Carmouche	Juneau	Stinson
Casey	Kean	Stovall
Champagne	Kelly	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	LeBleu	Ullo
D'Gerolamo	Leigh	Velazquez
De Blieux	Leithman	Vesich
Dennerly	Lowe	Vick
Dennis	McDaniel	Wall
Derbes	Martin	Warren
Deshotels	Maubertret	Wattigny
Dunlap	Maybuce	Willis
Duval	Miller	Winchester
Edwards	Mire	Wisham
Elkins	Newton	Womack
Fayard	Nunez	Zervigon
Flory	O'Neill	
Fontenot	Ourso	
Total—121.		

ABSENT

Delegates—		
Alexander	Lennox	Robinson
Drew	Munson	Thistlethwaite
Fowler	Pugh	Weiss
Kilbourne	Riecke	
Total—11.		

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Jenkins led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Goldman, the reading of the Journal
was dispensed with.

On motion of Delegate Goldman, the Journal of yesterday
was adopted.

Morning Hour

Resolutions on Second Reading and Referral

The following entitled Committee and Delegate Resolutions
on second reading to be referred to Committees were taken
up, read, and referred to Committees, as follows:

COMMITTEE RESOLUTION No. 12—

Introduced by Delegate Zervigon, Chairperson of the
Committee on Legislative Liaison and Transitional Measures,
and Delegates Comar, D'Gerolamo, Drew, Fayard, Hardee,
J. Jackson, Lambert, Lanier, LeBleu, Lennox, Munson, Ray-
burn, Smith, Thompson, Vick, and Womack:

A RESOLUTION

To extend the date by which certain reports shall be trans-
mitted to the Committee on Legislative Liaison on
Transitional Measures.

Read.

On motion of Delegate Zervigon, the rules were suspended
in order to consider the adoption of the Resolution.

Delegate Zervigon moved the adoption of the Resolution.

By a vote of 87 yeas and 0 nays the Resolution was
adopted.

Delegate Zervigon moved to reconsider the vote by which
the Resolution was adopted, and on her own motion, the
motion to reconsider was laid on the table.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Motion

On motion of Delegate Comar to suspend the temporary
rule which limited debate to two speakers for each side on
Committee Proposal No. 26, Section 3, in order to proceed
under the regular order pertaining to debate on a Section to
a Proposal.

Delegate Stagg objected.

By a vote of 64 yeas and 25 nays the Convention suspended
the temporary rule and proceeded under the regular order
pertaining to debate on a Section to a Proposal.

Motion

On motion of Delegate Nunez the Convention took up

Committee Proposal No. 26, Section 3, upon which action was deferred on Saturday, October 27, 1973, out of its regular order at this time.

Section 3. Homestead Exemption; Other Property Exemptions

Section 3. The following property shall be exempt from ad valorem taxation: (A) Homesteads. From state, parish, and special taxes, the homestead, bona fide, consisting of a tract of land, or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of five thousand dollars of the assessed valuation. However, veterans and persons sixty-five years or older shall be provided with a homestead exemption of six thousand dollars of the assessed valuation. No exemption shall extend to any municipal or city taxes except the following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; (2) to any municipal or city taxes levied for school purposes. The exemption of homestead shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title thereto is in either husband or wife, provided that this exemption shall not be extended to more than one homestead owned by the husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by religious denominations and used as residences for clergy or religious; places of burial, and property held by any religious denomination or nonprofit corporation or organization for burial purposes, but the exemption shall not apply to unsold lots, crypts, or places for burial nor shall it apply to lands held for development as places for burial, when so held for profit; universities, schools and colleges; places devoted to charitable undertakings; hospitals, nursing homes, homes for the aged, convalescent and rehabilitation facilities, institutions for treatment, rehabilitation and care of the physically and mentally handicapped or retarded, orphanages, child and/or day care centers, which are organized as non-profit corporations under the Louisiana Non-profit Corporations Law or which are exempt from federal and state income taxation law which are licensed or regulated by the state of Louisiana; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same; but exemption shall extend only to property, and grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this

exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractor, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn, Comar, Planchard and McDaniel to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 5 through 32, both inclusive, in their entirety and on page 4, delete lines 1 through 20, both inclusive, in their entirety, and all floor amendments adopted thereto and insert in lieu thereof the following:

“(C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal and state income tax; property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes; except immovable property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

(D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.”

On motion of Delegate Rayburn the amendment was withdrawn.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn, Comar, Planchard and McDaniel to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

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(D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operated for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.”

Delegate Rayburn moved the adoption of the amendment.

Delegate Newton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Conroy	Haynes
Aertker	Cowen	Heine
Alario	D'Gerolamo	Hernandez
Anzalone	Dennery	Jack
Arnette	Dennis	Jackson, A.
Avant	Derbes	Jackson, J.
Badeaux	Deshotels	Jenkins
Bel	Dunlap	Juneau
Bergeron	Edwards	Kilpatrick
Blair	Elkins	Lambert
Brien	Flory	Landrum
Brown	Fontenot	Landry, E. J.
Burns	Fulco	LeBleu
Burson	Giarrusso	Leigh
Cannon	Ginn	Leithman
Carmouche	Goldman	Lowe
Casey	Graham	McDaniel
Champagne	Gravel	Martin
Chatelain	Grier	Mauberet
Chehardy	Guarisco	Maybuce
Comar	Hardee	Miller
Conino	Hayes	Mire

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75th Days Proceedings—October 31, 1973

Nunez	Smith	Vesich
O'Neill	Soniat	Vick
Ourso	Stagg	Wall
Planchard	Stephenson	Warren
Rachal	Stovall	Wattigny
Rayburn	Tapper	Willis
Roy	Tate	Winchester
Sandoz	Thompson	Wisham
Shannon	Toca	Womack
Singletary	Uilo	Zervigon
Slay	Velazquez	
Total—98.		

NAYS

Delegates—		
Asseff	Kelly	Roemer
Bollinger	Landry, A.	Schmitt
Corne	Lanier	Segura
De Blieux	Newton	Sutherland
Duval	Perez	Tobias
Kean	Perkins	Toomy
Total—18.		

NOT VOTING

Delegates—		
Mr. Chairman	Kilbourne	Robinson
Alexander	Lennox	Stinson
Drew	Munson	Thistlethwaite
Fayard	Pugh	Weiss
Fowler	Reeves	
Gauthier	Riecke	
Total—16.		

And the amendment was adopted.

Delegate Planchard moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Dennery to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, at the beginning of line 11, delete "(H)" and the word "Additional" and insert in lieu thereof the following: "(H) No additional"

AMENDMENT No. 2—

On page 7, at the end of line 11, after the word "taxation" add a period "." and delete lines 12 and 13, both inclusive, in their entirety

Delegate Dennery moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Carmouche	Fontenot
Aertker	Casey	Fulco
Alario	Chatelain	Gauthier
Anzalone	Chehardy	Giarrusso
Arnette	Conino	Ginn
Asseff	D'Gerolamo	Goldman
Bel	Dennery	Grier
Bergeron	Derbes	Heine
Bollinger	Deshotels	Hernandez
Burns	Dunlap	Jack
Burson	Duval	Kean

Kelly	Nunez	Sutherland
Landrum	Ourso	Toca
Landry, A.	Perez	Toomy
Landry, E. J.	Perkins	Uilo
Lanier	Planchard	Velazquez
Leithman	Rachal	Vesich
Lowe	Reeves	Wall
McDaniel	Sandoz	Warren
Martin	Shannon	Willis
Mauberrret	Smith	Zervigon
Maybuce	Stagg	
Miller	Stovall	
Total—67.		

NAYS

Delegates—		
Mr. Chairman	Gravel	Roy
Avant	Guarisco	Schmitt
Badeaux	Hardee	Segura
Blair	Hayes	Singletary
Brien	Haynes	Slay
Brown	Jackson, A.	Soniat
Cannon	Jackson, J.	Stephenson
Champagne	Jenkins	Stinson
Comar	Juneau	Tapper
Conroy	Kilpatrick	Tate
Corne	Lambert	Thompson
Cowen	LeBleu	Tobias
De Blieux	Leigh	Vick
Dennis	Mire	Wattigny
Edwards	Newton	Winchester
Elkins	O'Neill	Wisham
Flory	Rayburn	Womack
Graham	Roemer	
Total—53.		

NOT VOTING

Delegates—		
Alexander	Kilbourne	Riecke
Drew	Lennox	Robinson
Fayard	Munson	Thistlethwaite
Fowler	Pugh	Weiss
Total—12.		

And the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy in the Chair

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes, Tobias, Jackson, J. and Maybuce to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3 in Floor Amendment No. 1 proposed by Delegate Rayburn et al. and adopted by the convention on October 31, 1973, after the language added by the Rayburn amendment, add the following paragraph:

"No exemption provided in Paragraphs (C) and (D) shall extend to any property if access thereto is denied to any citizen on the basis of race."

Delegate Derbes moved that the amendment be withdrawn.

Delegate Newton objected.

By a vote of 80 yeas and 15 nays and the amendment was withdrawn.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3 in Floor Amendment No. 1 proposed by Delegate

Rayburn, et al and adopted by the convention on October 31, 1973, after the language added by the Rayburn amendment, add the following paragraph:

"No exemption provided in Paragraphs (C) and (D) shall extend to any property, except personal property used in the home or on loan in a public place, if access thereto is denied to any citizen on the basis of race."

Motion

Delegate Anzalone moved the previous question on the amendment.

Delegate Rachal objected.

By a vote of 26 yeas and 69 nays the Convention refused to order the previous question at this time.

Delegate Derbes moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Flory	Rachal
Alario	Gauthier	Roemer
Bel	Giarrusso	Roy
Bergeron	Goldman	Sandoz
Blair	Gravel	Schmitt
Brown	Guarisco	Soniat
Burson	Hayes	Stovall
Casey	Haynes	Sutherland
Chatelain	Jackson, A.	Tobias
Chehardy	Jackson, J.	Toca
Comar	Kilpatrick	Velazquez
Conino	Landrum	Vesich
Conroy	Landry, E. J.	Vick
D'Gerolamo	Leithman	Wall
Dennery	Lowe	Warren
Dennis	Mauberet	Wisham
Derbes	Maybuce	Zervigon
Deshotels	Miller	
Total—53.		

NAYS

Delegates—

Abraham	Graham	Perkins
Anzalone	Grier	Planchar
Asseff	Hardee	Rayburn
Avant	Hernandez	Reeves
Badeaux	Jack	Segura
Bollinger	Jenkins	Singletary
Brien	Juneau	Slay
Burns	Kean	Smith
Cannon	Landry, A.	Stagg
Champagne	Lanier	Stephenson
Corne	LeBleu	Stinson
De Blieux	Leigh	Thompson
Dunlap	Martin	Toomy
Duval	Mire	Ullo
Elkins	Newton	Willis
Fayard	Nunez	Winchester
Fontenot	O'Neill	Womack
Fulco	Perez	
Total—53.		

NOT VOTING

Delegates—

Mr. Chairman	Edwards	Lambert
Alexander	Fowler	Lennox
Arnette	Ginn	McDaniel
Carmouche	Heine	Munson
Cowen	Kelly	Ourso
Drew	Kilbourne	Pugh

Riecke
Robinson
Shannon
Total—26.

Tapper
Tate
Thistlethwaite

Wattigny
Weiss

And the amendment was rejected.

Delegate Jack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Committee Resolution

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

October 31, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following entitled Committee Resolution having been finally adopted by the Convention have been properly enrolled in final form:

COMMITTEE RESOLUTION No. 12—

Introduced by Delegate Zervigon, Chairperson of the Committee on Legislative Liaison and Transitional Measures, and Delegates Comar, D'Gerolamo, Drew, Fayard, Hardee, J. Jackson, Lambert, Lanier, LeBleu, Lennox, Munson, Rayburn, Smith, Thompson, Vick, and Womack:

A RESOLUTION

To extend the date by which certain reports shall be transmitted to the Committee on Legislative Liaison and Transitional Measures.

WHEREAS, Committee Resolution Number 11 of this Convention recognizes the need for providing certain information to the Committee on Legislative Liaison and Transitional Measures in order that proper plans may be made to effectuate the transition from the Constitution of 1921 to the new Constitution; and

WHEREAS, it has become evident that the date by which status reports from each substantive committee to the Committee on Legislative Liaison and Transitional Measures should be extended.

THEREFORE, BE IT RESOLVED that each of the eight substantive committees of the Constitutional Convention of 1973 shall divide the material within its jurisdiction into the categories set forth in Committee Resolution Number 11 and shall submit the written report therein required to the Convention within ten days after first enrollment of each committee and delegate proposal or by November 15, 1973, whichever is the later date.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted without delay to the chairman of each of the eight substantive committees of this Convention.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

The Resolutions contained in the report were signed by the Chairman of the Convention and attested by the Secretary in accordance with the Rules.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-Committee on Transitional Measures of the Committee on Local and Parochial Government, sent up the following notice:

The Sub-Committee on Transitional Measures of the Committee on Local & Parochial Government will meet on Friday, November 2, 1973, immediately after adjournment in

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Committee Room No. 1 and will consider the following agenda:

AGENDA

Complete consideration of transitional matters in Local Government.

Respectfully submitted,

WALTER LANIER,

Chairman of the Sub-Committee on
Transitional Measures of the Committee on
Local and Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Dennis the rules were suspended in order to call a meeting of the Committee on Judiciary without giving the required 24 hours notice.

COMMITTEE NOTICE

Judge Dennis, chairman of the Committee on Judiciary, sent up the following notice:

The Committee on Judiciary, will meet on Thursday, November 1, 1973, during the Noon recess in Convention Hall and will consider the following agenda:

AGENDA

To consider the report of the sub-committee on Transitional Measures.

Respectfully submitted,

JAMES L. DENNIS,

Chairman of the Committee on Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Fowler—1 day.

Delegate Weiss—1 day.

Delegate Munson—October 31 through November 10.

Delegate Lennox—1 day.

Delegate Riecke—4 days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, November 1, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Vice Chairman Roy declared the Convention adjourned to Thursday, November 1, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SEVENTY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, November 1, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Planchard
Aertker	Goldman	Pugh
Alario	Graham	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Asseff	Hardee	Roemer
Avant	Hayes	Roy
Badeaux	Haynes	Sandoz
Bel	Heine	Schmitt
Bergeron	Hernandez	Segura
Blair	Jack	Shannon
Bollinger	Jackson, A.	Singletary
Brien	Jackson, J.	Slay
Brown	Jenkins	Smith
Burns	Juneau	Soniart
Burson	Kean	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Chehardy	Landry, A.	Tate
Comar	Landry, E. J.	Thompson
Conino	Lanier	Tobias
Conroy	LeBleu	Toca
Corne	Leigh	Toomy
Cowen	Leithman	Ullo
D'Gerolamo	Lennox	Velazquez
De Blieux	Lowe	Vesich
Dennery	McDaniel	Vick
Dennis	Martin	Wall
Derbes	Mauberrret	Warren
Deshotels	Maybuce	Wattigny
Dunlap	Miller	Weiss
Duval	Mire	Willis
Edwards	Newton	Winchester
Elkins	Nunez	Wisham
Fayard	O'Neill	Womack
Flory	Ourso	Zervigon
Fontenot		
Fulco		
Total—124.		

ABSENT

Delegates—	Guarisco	Robinson
Alexander	Munson	Thistlethwaite
Drew	Riecke	
Fowler		
Total—8.		

The Chairman announced that there were 124 members
present and a quorum.

Prayer

Prayer was offered by Delegate Stovall.

Pledge of Allegiance

Delegate Anzalone led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Miller, the reading of the Journal
was dispensed with.

On motion of Delegate Miller, the Journal of yesterday was
adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

**Section 3. Homestead Exemption; Other Property Exemp-
tions**

Section 3. The following property shall be exempt from ad
valorem taxation: (A) Homesteads. From state, parish, and
special taxes, the homestead, bona fide, consisting of a tract
of land, or two or more tracts of land with a residence on
one tract and a field, pasture, or garden on the other tract
or tracts, not exceeding one hundred and sixty acres, build-
ings and appurtenances, whether rural or urban, owned and
occupied by any person, in the full amount of five thousand
dollars of the assessed valuation. However, veterans and
persons sixty-five years or older shall be provided with a
homestead exemption of six thousand dollars of the as-
sessed valuation. No exemption shall extend to any municip-
al or city taxes except the following: (1) in Orleans Parish
this exemption shall apply to the state, the general city, the
school, the levee, and levee board taxes; (2) to any municip-
al or city taxes levied for school purposes. The exemption
of homestead shall extend to the surviving spouse or minor
child or children of a deceased owner and to the bona fide
homestead when occupied as such and title thereto is in
either husband or wife, provided that this exemption shall
not be extended to more than one homestead owned by the
husband or wife.

(B) All public property.

(C) Places of religious worship; property owned by reli-
gious denominations and used as residences for clergy or
religious; places of burial, and property held by any religious
denomination or nonprofit corporation or organization for
burial purposes, but the exemption shall not apply to unsold
lots, crypts, or places for burial nor shall it apply to lands
held for development as places for burial, when so held for
profit; universities, schools and colleges; places devoted to
charitable undertakings; hospitals, nursing homes, homes for
he aged, convalescent and rehabilitation facilities, institu-
tions for treatment, rehabilitation and care of the physically
and mentally handicapped or retarded, orphanages, child
and/or day care centers, which are organized as non-profit
corporations under the Louisiana Non-profit Corporations
Law or which are exempt from federal and state income
taxation law which are licensed or regulated by the state of
Louisiana; organizations such as lodges and clubs organized
for charitable and fraternal purposes and practicing the
same; but exemption shall extend only to property, and

grounds thereunto appurtenant, used for the above mentioned purposes, and not leased for profit or income.

(D) Cash on hand or deposit; stocks and bonds, except bank stocks, which shall be assessed and taxed solely as provided by law, and the tax paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producers, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, mardi-gras carnival or civic activities and not operated for profit to the owners; all oceangoing vessels engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) The State Board of Commerce and Industry, with the approval of the governor, and the local governing authority may enter into contracts for the exemption of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state upon such terms and conditions as the board, with the approval of the governor, and the local governing authority, may deem to be to the best interest of the state. The terms "manufacturing establishment" and "addition" or "additions" as used in this Paragraph mean a new plant or establishment or an addition or additions to any existing plant or establishment which engages in the business of working raw materials into wares suitable for use or which gives new shapes, new qualities, or new combinations to matter which already has gone through some artificial process. No exemption shall be contracted for any new manufacturing establishment in any locality where there is a manufacturing establishment actually engaged in the manufacture of the same or closely competitive articles without the written consent of the owner of such existing manufacturing establishment to be attached to and identified with the contract of exemption. No exemption from taxes shall be granted under the authority of this Paragraph for a longer initial period than five calendar years from the date of the execution of the contract of exemption or five calendar years from the date of the completion of the construction as described in the contract for tax exemption, the commencement of the exemption upon either of such dates to be specified in the contract at the discretion of the State Board of Commerce and Industry and subject to approval by the governor. Upon application within ninety days before the expiration of the initial period of five years, and upon proper showing of a full compliance with the contract of exemption by the contractee, any exemption granted under the authority of this subsection shall be renewed for an additional period of five calendar years. Any such exemption shall ipso facto cease upon violation of the terms and conditions of the contract which granted the same. All property exempted, in accordance with the provisions of the paragraph shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected thereon during the period of exemption.

(G) (1) All raw materials, goods, commodities, and articles

imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials, goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) Additional property may be exempted from taxation if authorized by a two-thirds vote of the elected membership of each house of the legislature.

Read.

The chairman announced that the Convention had under consideration Committee Proposal No. 26, Section 3, when it adjourned on Wednesday, October 31, 1973, which was taken up and acted upon as follows:

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, in Floor Amendment No. 1 proposed by Delegate Rayburn, et al. and adopted by the convention on October 31, 1973, in line 16 of said floor amendment, change the semicolon ";" after the word "purposes" to a period "." and delete the word "except" and delete lines 17, 18, and 19 in their entirety and insert in lieu thereof the following:

"However, the exemptions granted by this Paragraph shall not apply to any property owned, operated, leased, or used for commercial purposes which are unrelated to the exempt purposes of any corporation or association described herein or to any such corporation or association if any part of the net earnings thereof inure to the benefit of any private shareholder or member thereof."

On motion of Delegate Abraham the amendment was withdrawn.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, strike out lines 28 through 32 in their en-

PAGE 3

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tirety, on page 5, strike out lines 1 through 32 in their entirety including all Floor Amendments thereto, and on page 6, strike out lines 1 through 5 in their entirety, and insert in lieu thereof the following:

"(F) Notwithstanding any provision of this Section to the contrary, the legislature may authorize the State Board of Commerce and Industry, under such conditions and terms and with such approval as the legislature may specify, to provide for the exemption from property taxation of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state.

No exemption granted under the authority of such laws as may be enacted pursuant to this Section shall extend for a longer initial period than five calendar years, or be renewable for an additional period in excess of five additional calendar years."

Delegate Jenkins moved the adoption of the amendment.

Delegate Arnette objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Hardee	Pugh
Abraham	Hayes	Rachal
Aertker	Haynes	Roemer
Asseff	Hernandez	Sandoz
Avant	Jack	Shannon
Bel	Jackson, A.	Slay
Brien	Jackson, J.	Smith
Burns	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kean	Stephenson
Conroy	Kilpatrick	Stovall
Corne	Landrum	Sutherland
Cowen	Landry, E. J.	Tate
De Blieux	Leigh	Thompson
Dennis	Lennox	Tobias
Dunlap	Lowe	Velazquez
Duval	Martin	Vick
Elkins	Maybece	Wall
Flory	Mire	Wattigny
Fulco	Newton	Winchester
Goldman	O'Neill	Wisham
Graham	Planchard	Womack
Gravel		
Total—67.		

NAYS

Delegates—		
Alario	Derbes	Nunez
Anzalone	Deshotels	Perez
Arnette	Gauthier	Perkins
Badeaux	Giarrusso	Rayburn
Bergeron	Grier	Schmitt
Blair	Heine	Singletary
Bollinger	Kilbourne	Stinson
Burson	Landry, A.	Toca
Cannon	Lanier	Toomy
Carmouche	LeBleu	Ullo
Chatelain	Leithman	Vesich
Chehardy	McDaniel	Warren
Comar	Mauberet	Willis
Conino	Miller	Zervigon
D'Gerolamo		
Total—43.		

NOT VOTING

Delegates—		
Alexander	Edwards	Ginn
Brown	Fayard	Guarisco
Dennery	Fontenot	Kelly
Drew	Fowler	Lambert

Munson
Ourso
Reeves
Riecke
Total—22.

Robinson
Roy
Segura
Tapper

Thistlethwaite
Weiss

And the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Landry sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Landry to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, in Floor Amendment No. 1, proposed by Delegate Jenkins, and adopted by the Convention on November 1, 1973, on line 7 of the text of the amendment immediately after the word and punctuation "state." add the following:

"These exemptions shall apply to not more than seventy percent of any tax levied by a political subdivision wherein the manufacturing establishment is located."

Delegate A. Landry moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Gauthier	Perkins
Anzalone	Giarrusso	Reeves
Avant	Heine	Schmitt
Badeaux	Jackson, J.	Singletary
Bergeron	Kilbourne	Stovall
Bollinger	Landrum	Thompson
Burns	Landry, A.	Toca
Burson	Landry, E. J.	Toomy
Carmouche	Lanier	Ullo
Chatelain	Mauberet	Velazquez
Chehardy	Maybece	Vesich
Conino	Miller	Willis
D'Gerolamo	Nunez	Zervigon
Flory	Perez	
Total—41.		

NAYS

Delegates—		
Abraham	Ginn	O'Neill
Aertker	Goldman	Planchard
Arnette	Graham	Pugh
Asseff	Gravel	Rachal
Bel	Grier	Rayburn
Blair	Hardee	Roemer
Brien	Hayes	Sandoz
Cannon	Haynes	Shannon
Casey	Hernandez	Slay
Champagne	Jack	Smith
Comar	Jackson, A.	Soniat
Conroy	Jenkins	Stagg
Corne	Juneau	Stephenson
Cowen	Kean	Stinson
De Blieux	Kilpatrick	Sutherland
Dennery	Leigh	Tobias
Dennis	Lennox	Vick
Derbes	Lowe	Wall
Deshotels	McDaniel	Wattigny
Dunlap	Martin	Winchester
Duval	Mire	Wisham
Elkins	Newton	Womack
Fulco		
Total—67.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Robinson
Alexander	Kelly	Roy
Brown	Lambert	Segura
Drew	LeBleu	Tapper
Edwards	Leithman	Tate
Fayard	Munson	Thistlethwaite
Fontenot	Ourso	Warren
Fowler	Riecke	Weiss
Total—24.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Chatelain to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, between lines 5 and 6, add the following paragraph:

"Notwithstanding any contrary provisions of this paragraph, after the effective date of this constitution no extension of an existing industrial exemption and no new industrial exemption may be granted except with the approval of a majority of the members of the municipal and/or parish governing authority or authorities exercising jurisdiction wherein the exemption is to be granted. In no case shall the extension of an exemption or the granting of a new exemption be for more than five years and the amount of the exemption shall in no case exceed seventy-five percent of the total taxes payable."

On motion of Delegate Chatelain the amendment was withdrawn.

Delegate Velazquez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Velazquez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 28, in Floor Amendment No. 1, proposed by Delegate Jenkins, and adopted by the Convention on November 1, 1973, after the language added by the text of the amendment, add the following:

"The legislature shall provide for a system whereby employment proportionate to exemptions shall be required for various classes of industry."

Delegate Velazquez moved the adoption of the amendment.

Delegate Staggs objected.

By a vote of 39 yeas and 73 nays the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved the previous question on the Section.

Delegate Willis objected.

By a vote of 44 yeas and 60 nays the Convention refused to order the previous question on the Section.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Derbes, J. Jackson, Rachal, Tobias, Miller, Velazquez and Maybuce to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3 in Floor Amendment No. 1 proposed by Delegate Rayburn, et al. and adopted by the convention on October 31, 1973, after the language added by the Rayburn amendment, add the following paragraph:

"The exemptions provided in Paragraph (C) and those provided in Paragraph (D) that apply only to property used for cultural, Mardi Gras carnival or civic activities shall not extend to any property if access thereto is denied on the basis of race."

Delegate Derbes moved the adoption of the amendment.

Delegate Fulco objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Dennery	Miller
Alario	Dennis	Pugh
Arnette	Derbes	Rachal
Asseff	Flory	Soniat
Avant	Giarrusso	Stovall
Bel	Gravel	Sutherland
Blair	Graham	Thompson
Brown	Hayes	Tobias
Burns	Haynes	Vick
Burson	Jackson, A.	Wall
Carmouche	Jackson, J.	Warren
Chehardy	Kilpatrick	Wattigny
Comar	Landrum	Wisham
Conroy	Landry, E. J.	Zervigon
D'Gerolamo	Leithman	
De Blieux	Maybuce	
Total—46.		

NAYS

Delegates—		
Abraham	Hardee	Planchard
Anzalone	Heine	Rayburn
Badeaux	Hernandez	Reeves
Bergeron	Jack	Roemer
Bollinger	Jenkins	Sandoz
Brien	Juneau	Schmitt
Cannon	Kean	Shannon
Casey	Kilbourne	Singletary
Champagne	Landry, A.	Smith
Chatelain	Landier	Stagg
Conino	Lennox	Stephenson
Corne	Lowe	Stinson
Cowen	McDaniel	Tate
Deshotels	Martin	Toca
Dunlap	Maubert	Toomy
Duval	Mire	Ullo
Elkins	Newton	Velazquez
Fontenot	Nunez	Vesich
Fulco	O'Neill	Willis
Goldman	Perez	Winchester
Grier	Perkins	Womack
Total—63.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Robinson
Alexander	Kelly	Roy
Drew	Lambert	Segura
Edwards	LeBleu	Slay
Fayard	Leigh	Tapper
Fowler	Munson	Thistlethwaite
Gauthier	Ourso	Weiss
Ginn	Riecke	
Total—23.		

And the amendment was rejected.

Delegate Fulco moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, in Amendment No. 1 proposed by Delegate Mire and adopted by the Convention on October 24, 1973, delete the last line of said amendment, as it has been amended; and which reads: "(A) All public property used for public purposes." and insert in lieu thereof the following:

"(A) All public lands; all other public property used for public purposes."

Delegate Dennery moved the adoption of the amendment.

Delegate Chatelain objected.

By a vote of 96 yeas and 12 nays the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 3, was read, as amended.

Delegate Planchard moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Nunez
Abraham	Gauthier	O'Neill
Aertker	Giarrusso	Perez
Alario	Ginn	Perkins
Avant	Goldman	Planchard
Badeaux	Graham	Pugh
Bel	Gravel	Rayburn
Bergeron	Grier	Roemer
Blair	Hardee	Sandoz
Brien	Hayes	Schmitt
Brown	Haynes	Segura
Burns	Heine	Shannon
Burson	Hernandez	Singletary
Cannon	Jack	Slay
Casey	Jackson, A.	Smith
Champagne	Jenkins	Stagg
Chatelain	Kean	Stephenson
Chehardy	Kilbourne	Stinson
Comar	Kilpatrick	Stovall
Conino	Lambert	Tate
Conroy	Landry, A.	Thompson
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	LeBleu	Ullo
Dennery	Leithman	Velazquez
Dennis	Lennox	Vesich
Derbes	Lowe	Wall
Deshotels	McDaniel	Warren
Dunlap	Martin	Wattigny
Elkins	Maubertret	Willis
Flory	Mire	Wisham
Fontenot		Womack
Total—96.		

NAYS

Delegates—		
Anzalone	Asseff	Carmouche
Arnette	Bollinger	De Blieux

Duval	Rachal	Vick
Jackson, J.	Reeves	Winchester
Maybuce	Soniak	Zervigon
Miller	Sutherland	
Newton	Tobias	
Total—19.		

NOT VOTING

Delegates—		
Alexander	Juneau	Robinson
Drew	Kelly	Roy
Edwards	Landrum	Tapper
Fayard	Munson	Thistlethwaite
Fowler	Ourso	Weiss
Guarisco	Riecke	
Total—17.		

And the Chair declared that the above Section was finally passed.

Delegate Rayburn moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Zervigon the Convention took up Committee Proposal No. 26, Section 5, out of its regular order at this time.

Section 5. Adjustment of Ad Valorem Tax Millages

Section 5. The amount of taxes collected by any taxing authority in the state shall not be increased or decreased because of the method of assessing property at a uniform ratio of assessment to value as provided in Article XI, Section 1, and it shall be the mandatory duty of all taxing authorities to adjust millages proportionate to adjustments in assessment values so as to produce the same total dollar amount of revenue. Such millage adjustments shall be made without regard to limitations contained elsewhere in this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increased property values due to economic conditions. Nothing contained herein shall be construed to diminish the security of outstanding bonds.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Mire, Conroy, and Chehardy to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 22 through 32, both inclusive, in their entirety and on page 8, delete lines 1 through 6, both inclusive, in their entirety, and all amendments thereto and insert in lieu thereof the following:

"Section 5. Prior to the end of the third year after the effective date of the constitution, the assessors shall have determined the fair market value or use value of all property subject to taxation within their respective parishes to be used for the purpose of implementing the provisions of this Article. Except as hereinafter provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which the provisions of this Article are implemented shall not be increased or decreased because of the provisions of this Article above or below ad valorem taxes collected by such taxing authority in the year immediately preceding the year in which the provisions of this Article are implemented. To accomplish this result, it shall be the mandatory duty of each affected taxing authority in the year in which the provisions of this Article are implemented, to adjust millages upwards or downwards, without regard to millage limitations contained in Article VI of this constitution. Such millages shall thereafter remain in effect subject to such changes as may be permitted by law. Nothing provided herein shall be construed to prohibit any taxing authority from collecting, in the year

in which the provisions of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional or increased millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increases in the fair market value or use value of property after the first determination of such value on the basis of which the provisions of this Article are to be implemented."

Motion

Delegate Burson moved for a suspension of the rules in order to allow Delegate Conroy an additional three minutes in which to answer questions.

Delegate Shannon objected.

By a vote of 82 yeas and 9 nays the rules were suspended.

Delegate Conroy moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Goldman	Pugh
Alario	Graham	Rachal
Anzalone	Gravel	Rayburn
Arnette	Grier	Reeves
Badeaux	Hardee	Roemer
Bergeron	Haynes	Roy
Blair	Heine	Sandoz
Brien	Hernandez	Schmitt
Brown	Jack	Segura
Burns	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Cannon	Jenkins	Smith
Carmouche	Kean	Soniat
Casey	Kelly	Stagg
Champagne	Kilbourne	Stinson
Chatelain	Kilpatrick	Stovall
Chehardy	Landrum	Sutherland
Comar	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
Dennerly	Lennox	Ullo
Dennis	Lowe	Velazquez
Derbes	McDaniel	Vesich
Deshotels	Martin	Vick
Dunlap	Mauberrret	Wall
Duval	Maybuce	Warren
Edwards	Mire	Wattigny
Elkins	Newton	Weiss
Fontenot	Nunez	Willis
Fulco	O'Neill	Winchester
Gauthier	Perez	Womack
Giarrusso	Planchard	Zervigon
Ginn		

Total—106.

NAYS

Delegates—

Asseff	De Blieux	Shannon
Avant	Flory	Stephenson
Bollinger	Hayes	

Total—8.

NOT VOTING

Delegates—

Mr. Chairman	Bel	Fowler
Aertker	Drew	Guarisco
Alexander	Fayard	Juneau

Lambert

Miller

Munson

Total—18.

Ourso

Perkins

Riecke

Robinson

Thistlethwaite

Wisham

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Kean, and O'Neill to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, of Floor Amendment No. 1 proposed by Delegates Perez, et al., and adopted by the Convention on November 1, 1973, at the end of line 18, delete the words "Article VI" and at the beginning of line 19, delete the word "of"

AMENDMENT No. 2—

At the beginning of line 27, delete the word "law" and insert in lieu thereof the words "this constitution"

On motion of Delegate Perez the amendment was withdrawn.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Perez, Kean, and O'Neill to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, of Floor Amendment No. 1 proposed by Delegates Perez, et al., and adopted by the Convention on November 1, 1973, at the end of line 18, delete the words "Article VI" and at the beginning of line 19, delete the word "of"

AMENDMENT No. 2—

At the beginning of line 21, of said amendment, delete the word "law" and insert in lieu thereof the words "this constitution"

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer, Bollinger, and Duval to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, in Floor Amendment No. 1, proposed by Delegates Perez, et al., and adopted by the Convention on November 1, 1973, on line 19, of the text of the amendment immediately after the word "constitution" and before the word "Such" change the period "." to a semicolon ";" and add the following:

"however, whenever at the time the adjustment is made the millage actually levied by a taxing authority is less than or equal to the maximum authorized to be levied, the maximum millage so authorized shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward."

Delegate Roemer moved the adoption of the amendment.

Delegate Conroy objected.

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By a vote of 96 yeas and 12 nays the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Dennery to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, in Floor Amendment No. 1 proposed by Delegates Perez, et al. and adopted by the Convention on November 1, 1973, at the end of line 2, after the word "assessors" add the words "and the Louisiana Tax Commission" and on line 4, after the word "within" and before the word "respective" delete the word "their" and insert in lieu thereof the word "the"

On motion of Delegate Dennery the amendment was adopted.

Delegate Dennery moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 22, in Floor Amendment No. 1, proposed by Delegate Perez, and adopted by the Convention on November 1, 1973, after the language added by said amendment, add the following:

"The provisions of this Section shall not apply to millages required to be levied for the payment of general obligation bonds."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26 Section 5 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Casey	Dunlap
Abraham	Champagne	Duval
Alario	Chatelain	Edwards
Anzalone	Chehardy	Elkins
Arnette	Comar	Fayard
Badeaux	Conino	Flory
Bergeron	Conroy	Fontenot
Blair	Corne	Fulco
Bollinger	Cowen	Gauthier
Brien	D'Gerolamo	Giarrusso
Brown	De Blieux	Ginn
Burns	Dennery	Goldman
Burson	Dennis	Graham
Cannon	Derbes	Gravel
Carmouche	Deshotels	Grier

Hayes
Haynes
Heine
Hernandez
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lennox
Lowe
McDaniel
Total—114.

Martin
Mauberret
Maybuce
Mire
Newton
Nunez
O'Neill
Perez
Planchard
Pugh
Rachal
Rayburn
Reeves
Roemer
Roy
Sandoz
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherlnad
Tapper
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegate Asseff.
Total—1.

NOT VOTING

Delegates—		
Aertker	Guarisco	Perkins
Alexander	Hardee	Riecke
Avant	Jack	Robinson
Bel	Miller	Tate
Drew	Munson	Thistlethwaite
Fowler	Ourso	
Total—17.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 6. Revenue Sharing Fund

Section 6. There is hereby established and created a special fund in the State Treasury to be known as the Revenue Sharing Fund. The fund shall be composed of moneys which shall be transferred to it annually out of the state general fund by the state treasurer in the amount of eighty million dollars. This provision shall be self-operative. The legislature may allocate additional sums to the Revenue Sharing Fund and shall provide for distribution of the moneys in the fund to those local governing bodies, municipalities, police juries, boards, commissions, districts, and other agencies as may be designated by it.

Read.

Delegate Gravel sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Flory, Edwards, Cowen, Corne, Roy, Mire, Aertker, Wisham, Haynes, Carmouche, Maybuce, Hernandez, Burson, Cannon, Hayes, A. Jackson, E. J. Landry and Rachal to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 7 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Revenue Sharing Fund; Distribution; Pledge of Proceeds

Section 6. (A) A special fund is created in the state treasury to be known as the Revenue Sharing Fund.

(B) There hereby is allocated annually from the State General Fund to the Revenue Sharing Fund whichever is greater of the following: (1) a sum equal to forty-five percent of the total state income tax collections for the preceding fiscal year or (2) the sum of ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund.

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(C) The Revenue Sharing Fund shall be distributed annually to each parish according to the following formula: the sum total of (1) an amount equal to that percentage of eighty percent of the total fund equal to the ratio which the population of the parish bears to the total state population and (2) an amount equal to that percentage of twenty percent of the total fund equal to the ratio which the number of homesteads in the parish bears to the total number of homesteads in the state. Unless the legislature provides otherwise, population statistics of the last federal decennial census shall be utilized in this formula.

(D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. After deductions for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated within each parish in accordance with law.

(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge, for the payment of all or part of the principal and interest of such bonds, the proceeds derived or to be derived from the Revenue Sharing Fund as provided in Paragraph (D) of this Section. These bonds shall be issued and sold as provided by law. The full faith and credit of the state hereby is pledged to the payment of the principal and interest on bonds authorized and issued under this Section only if there has been approval by the State Bond Commission of the issuance and sale of such bonds."

Motion

Delegate Jenkins moved that the rules be suspended in order to allow Delegate Gravel ten additional minutes in order to answer questions from the floor of the Convention.

Delegate Thompson objected.

By a vote of 83 yeas and 6 nays the rules were suspended.

Motion

Delegate Velazquez moved for a suspension of the rules in order to allow Delegate Chehardy to answer questions from the floor of the Convention.

Delegate Shannon objected.

By a vote of 73 yeas and 12 nays the rules were suspended.

Motion

Delegate Thompson moved the previous question on the amendment.

Delegate De Blieux objected.

By a vote of 25 yeas and 71 nays the Convention refused to suspend the rules.

Motion

Delegate Stovall moved that the Convention take up other Orders of Business at this time.

Delegate Nunez objected.

By a vote of 71 yeas and 39 nays and the Convention took up other Orders of Business.

Leave of Absence

Delegate Guarisco— $\frac{1}{2}$ day.

Delegate Fowler—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Friday, November 2, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, November 2, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973

OF THE
STATE OF LOUISIANA

SEVENTY-SEVENTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, November 2, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Planchard
Aertker	Goldman	Rachal
Alario	Graham	Rayburn
Anzalone	Gravel	Reeves
Annette	Grier	Roemer
Asseff	Guarisco	Roy
Avant	Hardee	Sandoz
Badeaux	Hayes	Schmitt
Bergeron	Haynes	Segura
Blair	Heine	Shannon
Bollinger	Hernandez	Singletary
Brien	Jack	Slay
Brown	Jackson, A.	Smith
Burns	Jackson, J.	Soniat
Burson	Jenkins	Stagg
Cannon	Juneau	Stephenson
Carmouche	Kean	Stinson
Casey	Kelly	Stovall
Champagne	Kilbourne	Sutherland
Chatelain	Kilpatrick	Tapper
Chehardy	Lambert	Tate
Comar	Landrum	Thompson
Conino	Landry, A.	Tobias
Conroy	Landry, E. J.	Toca
Corne	Lanier	Toomy
Cowen	Leigh	Uilo
D'Gerolamo	Leithman	Velazquez
De Blieux	Lowe	Vesich
Dennery	McDaniel	Vick
Dennis	Martin	Wall
Derbes	Mauberrret	Warren
Deshotels	Maybuce	Wattigny
Duval	Miller	Weiss
Edwards	Mire	Willis
Elkins	Newton	Winchester
Fayard	Nunez	Wisham
Flory	O'Neill	Womack
Fontenot	Ourso	Zervigon
Fowler		
Fulco		

Total—121.

ABSENT

Delegates—	LeBleu	Riecke
Alexander	Lennox	Robinson
Bel	Munson	Thistlethwaite
Drew	Pugh	
Dunlap		

Total—11.

The Chairman announced that there were 121 members
present and a quorum.

Prayer

Prayer was offered by Delegate Asseff.

Pledge of Allegiance

Delegate Planchard led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Dennis, the reading of the Journal
was dispensed with.

On motion of Delegate Dennis, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals
Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 6. Revenue Sharing Fund

Section 6. There is hereby established and created a spe-
cial fund in the State Treasury to be known as the Revenue
Sharing Fund. The fund shall be composed of moneys which
shall be transferred to it annually out of the state general
fund by the state treasurer in the amount of eighty million
dollars. This provision shall be self-operative. The legisla-
ture may allocate additional sums to the Revenue Sharing
Fund and shall provide for distribution of the moneys in
the fund to those local governing bodies, municipalities,
police juries, boards, commissions, districts, and other agen-
cies as may be designated by it.

The Chairman announced that the Convention had under
consideration the following amendment proposed by Delegate
Gravel, et al, to Committee Proposal No. 26, Section 6, when
it adjourned on Thursday, November 1, 1973, which was taken
up and acted upon as follows:

Delegate Gravel sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Gravel, Flory, Edwards,
Cowen, Corne, Roy, Mire, Aertker, Wisham, Haynes, Car-
mouche, Maybuce, Hernandez, Burson, Cannon, Hayes, A.
Jackson, Grier, E. J. Landry and Rachal to Committee Pro-
posal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 7 through 18, both inclusive, in
their entirety and insert in lieu thereof the following:

"Section 6. Revenue Sharing Fund; Distribution; Pledge of
Proceeds

Section 6. (A) A special fund is created in the state trea-
sury to be known as the Revenue Sharing Fund.

(B) There hereby is allocated annually from the State
General Fund to the Revenue Sharing Fund whichever is
greater of the following: (1) a sum equal to forty-five per-

cent of the total state income tax collections for the preceding fiscal year or (2) the sum of ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund.

(C) The Revenue Sharing Fund shall be distributed annually to each parish according to the following formula: the sum total of (1) an amount equal to that percentage of eighty percent of the total fund equal to the ratio which the population of the parish bears to the total state population and (2) an amount equal to that percentage of twenty percent of the total fund equal to the ratio which the number of homesteads in the parish bears to the total number of homesteads in the state. Unless the legislature provides otherwise, population statistics of the last federal decennial census shall be utilized in this formula.

(D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. After deductions for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated within each parish in accordance with law.

(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge, for the payment of all or part of the principal and interest of such bonds, the proceeds derived or to be derived from the Revenue Sharing Fund as provided in Paragraph (D) of this Section. These bonds shall be issued and sold as provided by law. The full faith and credit of the state hereby is pledged to the payment of the principal and interest on bonds authorized and issued under this Section only if there has been approval by the State Bond Commission of the issuance and sale of such bonds."

Delegate Gravel moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Ginn	Roemer
Mr. Chairman	Graham	Roy
Aertker	Gravel	Sandoz
Anzalone	Hayes	Schmitt
Avant	Haynes	Segura
Bergeron	Hernandez	Slay
Brien	Jackson, A.	Soniat
Burson	Jackson, J.	Sutherland
Cannon	Jenkins	Tate
Carmouche	Kean	Tobias
Casey	Kelly	Toca
Chehardy	Landrum	Toomy
Comar	Landry, E. J.	Ullo
Conino	Loithman	Velazquez
Corne	Lowe	Vesich
Cowen	McDaniel	Vick
D'Gerolamo	Martin	Warren
Dennery	Maubertret	Wattigny
Derbes	Maybuce	Willis
Edwards	Mire	Winchester
Elkins	Newton	Wisham
Flory	Reeves	Zervigon
Fulco		
Giarrusso		
Total—67.		

NAYS

Delegates—	Badeaux	Burns
Abraham	Blair	Champagne
Alario	Bollinger	Chatelain
Arnette	Brown	De Bleiux
Asseff		

Dennis	Kilbourne	Shannon
Deshotels	Kilpatrick	Singletary
Duval	Lambert	Smith
Fontenot	Landry, A.	Stagg
Fowler	Lanier	Stephenson
Gauthier	Leigh	Stinson
Goldman	Miller	Tapper
Grier	Nunez	Thompson
Guarisco	O'Neill	Wall
Hardee	Perez	Weiss
Heine	Perkins	Womack
Jack	Planchard	
Juneau	Rayburn	

Total—49.

NOT VOTING

Delegates—	LeBleu	Rachal
Alexander	Lennox	Riecke
Bel	Munson	Robinson
Conroy	Ourso	Stovall
Drew	Pugh	Thistlethwaite
Dunlap		
Fayard		
Total—16.		

And the amendment was adopted.

Delegate Gravel moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, in Floor Amendment No. 1 proposed by Delegate Gravel, et al. and adopted by the Convention on November 2, 1973, on line 27 of the text of the amendment at the end of the line after the word "deductions" add the following:
", in each parish,"

On motion of Delegate Zervigon the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Dennis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennis, Goldman, Leigh and Wall to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the convention on November 2, 1973, on line 27, immediately after the word and punctuation "collector." and before the word "After" insert the following:

"That portion of the fund for the parish of Ouachita to be allocated to the Monroe City School Board shall be distributed directly to the city treasurer of the city of Monroe."

Delegate Dennis moved the adoption of the amendment.

Delegate Anzalone objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Asseff	Badeaux
Alario	Avant	Bergeron
Arnette		

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Blair	Hayes	Reeves
Brien	Haynes	Roemer
Brown	Heine	Roy
Burns	Hernandez	Sandoz
Burson	Jack	Schmitt
Carmouche	Jackson, A.	Segura
Casey	Jackson, J.	Shannon
Champagne	Juneau	Singletary
Chehardy	Kean	Slay
Comar	Kelly	Smith
Conino	Kilbourne	Soniart
Corne	Kilpatrick	Stagg
Cowen	Lambert	Stephenson
D'Gerolamo	Landrum	Sutherland
De Blieux	Landry, A.	Tapper
Dennery	Landry, E. J.	Tate
Dennis	Lanier	Thompson
Derbes	Leigh	Tobias
Deshotels	Leithman	Toca
Edwards	Lowe	Toomy
Elkins	McDaniel	Ullo
Flory	Martin	Velazquez
Fowler	Mauberet	Vesich
Fulco	Maybuce	Vick
Gauthier	Miller	Wall
Giarrusso	Mire	Warren
Ginn	Newton	Wattigny
Goldman	Nunez	Weiss
Graham	O'Neill	Willis
Gravel	Perez	Winchester
Grier	Perkins	Wisham
Guarisco	Planchard	Womack
Hardee	Rayburn	Zervigon
Total—105.		

NAYS

Delegates—	Cannon	Jenkins
Abraham	Chatelain	Stinson
Anzalone		
Total—6.		

NOT VOTING

Delegates—	Dunlap	Ourso
Mr. Chairman	Duval	Pugh
Aertker	Fayard	Rachal
Alexander	Fontenot	Riecke
Bel	LeBleu	Robinson
Bollinger	Lennox	Stovall
Conroy	Munson	Thistlethwaite
Drew		
Total—21.		

And the amendment was adopted.

Delegate Wall moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up Petitions, Memorials and Communications at this time.

Petitions, Memorials and Communications

The following petitions, memorials and communications were received and read:

State of Louisiana
OFFICE OF THE GOVERNOR
Baton Rouge

November 2, 1973

Hon. Wade O. Martin, Jr.
Secretary of State
Baton Rouge, Louisiana

Dear Mr. Martin:

Please issue commission to the following:

James W. Morris, 3850 Floyd Drive, Baton Rouge, 70808, as

Delegate to the Constitutional Convention of 1973 (representing education), vice Horace C. Robinson, resigned.

Yours very truly,

EDWIN EDWARDS
Governor of Louisiana

OATH OF OFFICE

James W. Morris appeared before the bar of the Convention and took the following oaths of office administered by Honorable David R. Poynter, Clerk of the House of Representatives and Chief Clerk of the Constitutional Convention:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

"I (James W. Morris) do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and I will faithfully and impartially discharge and perform all the duties incumbent upon me as a delegate to the Constitutional Convention, according to the best of my ability and understanding. So help me God."

Unfinished Business, Resumed

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 6. Revenue Sharing Fund

Section 6. There is hereby established and created a special fund in the State Treasury to be known as the Revenue Sharing Fund. The fund shall be composed of moneys which shall be transferred to it annually out of the state general fund by the state treasurer in the amount of eighty million dollars. This provision shall be self-operative. The legislature may allocate additional sums to the Revenue Sharing Fund and shall provide for distribution of the moneys in the fund to those local governing bodies, municipalities, police juries, boards, commissions, districts, and other agencies as may be designated by it.

Delegate Womack sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Womack to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the Convention on November 2, 1973, delete lines 5 through 11 of said amendment in their entirety and insert in lieu thereof the following:

"(B) There hereby is allocated annually from the State General Fund to the Revenue Sharing Fund the sum of ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund."

Delegate Womack moved the adoption of the amendment.

Delegate Burson objected.

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A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Grier	Perkins
Alario	Guarisco	Planchard
Arnette	Hardee	Rayburn
Asseff	Heine	Reeves
Badeaux	Jack	Roemer
Blair	Jackson, J.	Schmitt
Bollinger	Jenkins	Segura
Brown	Juneau	Shannon
Burns	Kean	Singletary
Champagne	Kelly	Smith
Chatelain	Kilbourne	Stagg
De Blieux	Kilpatrick	Stephenson
Dennis	Lambert	Sutherland
Deshotels	Landry, A.	Tapper
Duval	Lanier	Thompson
Elkins	Leigh	Velazquez
Fontenot	McDaniel	Wall
Fowler	Mauberet	Warren
Fulco	Miller	Weiss
Gauthier	Nunez	Winchester
Ginn	O'Neill	Wisham
Goldman	Perez	Womack
Graham		
Total—66.		

NAYS

Delegates—	Derbes	Morris
Anzalone	Edwards	Newton
Avant	Flory	Rachal
Bergeron	Giarrusso	Roy
Brien	Gravel	Sandoz
Burson	Hayes	Slay
Cannon	Haynes	Stinson
Carmouche	Hernandez	Tobias
Casey	Jackson, A.	Toca
Chehardy	Landrum	Toomy
Comar	Landry, E. J.	Ulló
Conino	Leithman	Vesich
Corne	Lowe	Wattigny
Cowen	Martin	Willis
D'Gerolamo	Mire	Zervigon
Dennery		
Total—45.		

NOT VOTING

Delegates—	Dunlap	Pugh
Mr. Chairman	Fayard	Riecke
Abraham	LeBleu	Soniati
Aertker	Lennox	Stovall
Alexander	Maybuce	Tate
Bel	Munson	Thistlethwaite
Conroy	Ourso	Vick
Drew		
Total—21.		

And the amendment was adopted.

Delegate Womack moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez and De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the Convention on No-

vember 2, 1973, delete lines 12 through 46 of the text of the amendment, both inclusive, in their entirety

Delegate Nunez moved the adoption of the amendment.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fayard	Nunez
Abraham	Fontenot	Perez
Alario	Fowler	Perkins
Arnette	Goldman	Rayburn
Badeaux	Guarisco	Segura
Blair	Heine	Shannon
Bollinger	Jenkins	Stagg
Chatelain	Juneau	Stinson
Chehardy	Kelly	Tapper
Conino	Kilbourne	Thompson
D'Gerolamo	Kilpatrick	Toomy
De Blieux	Landry, A.	Ulló
Dennis	Lanier	Weiss
Deshotels	Leigh	
Duval		
Total—41.		

NAYS

Delegates—	Ginn	Roy
Aertker	Graham	Sandoz
Anzalone	Gravel	Schmitt
Asseff	Grier	Singletary
Avant	Hardee	Slay
Bergeron	Hayes	Smith
Brien	Haynes	Soniati
Brown	Hernandez	Sutherland
Burns	Jackson, A.	Tate
Burson	Jackson, J.	Tobias
Carmouche	Landrum	Toca
Casey	Landry, E. J.	Velazquez
Champagne	McDaniel	Vesich
Comar	Martin	Vick
Conroy	Mauberet	Warren
Corne	Maybuce	Wattigny
Dennery	Mire	Willis
Derbes	Morris	Winchester
Edwards	Newton	Wisham
Elkins	O'Neill	Womack
Flory	Rachal	Zervigon
Fulco	Reeves	
Gauthier	Roemer	
Giarrusso		
Total—67.		

NOT VOTING

Delegates—	Kean	Ourso
Mr. Chairman	Lambert	Planchard
Alexander	LeBleu	Pugh
Bel	Leithman	Riecke
Cannon	Lennox	Stephenson
Cowen	Lowe	Stovall
Drew	Miller	Thistlethwaite
Dunlap	Munson	Wall
Jack		
Total—24.		

And the amendment was rejected.

Delegate Burson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Thompson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Thompson, Kelly, Reeves and Alario to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the Convention on No-

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vember 2, 1973, at the beginning of line 15 in the text of the amendment delete the word "eighty" and insert in lieu thereof the word "fifty" and at the beginning of line 18 of the text of the amendment delete the word "twenty" and insert in lieu thereof the word "fifty"

Delegate Thompson moved the adoption of the amendment.

Delegate Newton objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Fulco	Nunez
Alario	Gauthier	O'Neill
Arnette	Ginn	Perez
Avant	Goldman	Perkins
Bollinger	Grier	Rayburn
Brown	Hardee	Reeves
Burns	Hayes	Roemer
Burson	Haynes	Singletary
Carmouche	Heine	Slay
Chehardy	Jenkins	Stinson
Conino	Kelly	Tapper
D'Gerolamo	Kilpatrick	Thompson
Deshotels	Landry, A.	Toca
Edwards	Lanier	Toomy
Elkins	Leithman	Ullo
Fayard	McDaniel	Velazquez
Flory	Martin	Willis
Fontenot	Martin	Wisham
Fowler	Mire	Womack

Total—57.

NAYS

Delegates—

Mr. Chairman	Giarrusso	Sandoz
Abraham	Graham	Schmitt
Anzalone	Gravel	Segura
Asseff	Guarisco	Shannon
Badeaux	Hernandez	Smith
Bergeron	Jack	Soniat
Brien	Jackson, A.	Stagg
Cannon	Jackson, J.	Sutherland
Casey	Juneau	Tate
Champagne	Kilbourne	Tobias
Chatelain	Landrum	Vesich
Comar	Landry, E. J.	Vick
Conroy	Leigh	Warren
Corne	Mauberret	Wattigny
De Blieux	Morris	Winchester
Dennery	Newton	Zervigon
Derbes	Rachal	
Duval	Roy	

Total—52.

NOT VOTING

Delegates—

Alexander	Lambert	Pugh
Bel	LeBleu	Riecke
Blair	Lennox	Stephenson
Cowen	Lowe	Stovall
Dennis	Miller	Thistlethwaite
Drew	Munson	Wall
Dunlap	Ourso	Weiss
Kean	Planchard	

Total—23.

And the amendment was adopted.

Delegate Thompson moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Schmitt objected to tabling the motion to reconsider.

By a vote of 54 yeas and 49 nays and the motion to reconsider was tabled.

Delegate De Blieux sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate De Blieux to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the convention on November 2, 1973, delete lines 24 through 34 of the text of the amendment, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) The state treasurer shall distribute the funds as provided in Paragraph (C) to the parishes as defined by law."

Delegate De Blieux moved the adoption of the amendment.

Delegate Edwards objected.

By a vote of 15 yeas and 92 nays the amendment was rejected.

Delegate Edwards moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the Convention on November 2, 1973 on line 41 of the text of the amendment immediately after the word "shall" delete the remainder of the line and delete lines 42 through 46, both inclusive, in their entirety and insert in lieu thereof the following:

"have prior approval of the State Bond Commission or its successor and shall be issued and sold as provided by law."

On motion of Delegate O'Neill the amendment was adopted.

Delegate O'Neill moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Nunez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Nunez, Alario, Tapper, D'Gerolamo and Gauthier to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1, proposed by Delegate Gravel and adopted by the Convention on November 2, 1973, on line 20 of the text of the amendment after the word and punctuation "state." and before the word "Unless" insert the following:

"Provided however that no parish shall receive a lesser amount than was received by the parish from the property tax relief fund in 1971."

On motion of Delegate Alario the amendment was withdrawn.

Vice-Chairman Roy in the Chair

Delegate Kean sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Kean to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, in Floor Amendment No. 1, proposed by Delegate Gravel, et al., and adopted by the Convention on November 2, 1973, on line 32, immediately after the word "exemptions" delete the words and punctuation "granted in this Article." and insert in lieu thereof the following: "applicable to state, parish, school, and city of New Orleans taxes, and to taxes levied by special districts, provided said special district taxes were eligible for reimbursement or payment from the property tax relief fund prior to abolition and repeal by Act 10 of the 1972 extraordinary session of the legislature. Such reimbursement to any tax recipient, when added to the ad valorem taxes collectable by that recipient, shall not exceed the sum obtained by making that same computation, had the millage adjustment provided in Section 5 not been made."

AMENDMENT No. 2—

On page 8, line 7, in Floor Amendment No. 1, proposed by Delegate Gravel, et al., and adopted by the Convention on November 2, 1973, on line 34, of the text of the amendment, immediately after the word "allocated" and before the word "within" insert the words "to the municipalities and tax recipient bodies"

On motion of Delegate Perez a division of the question was ordered.

Delegate Kean moved the adoption of Amendment No. 1.

Delegate Winchester objected.

By a vote of 54 yeas and 51 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Newton objected to tabling the motion to reconsider.

By a vote of 53 yeas and 52 nays the motion to reconsider was tabled.

Delegate Kean moved the adoption of Amendment No. 2.

Delegate Winchester objected.

By a vote of 100 yeas and 6 nays the amendment was adopted.

Delegate Kean moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn and Blair to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al. and adopted by the Convention on November 2, 1973, delete lines 35 through 46, both inclusive, in their entirety, including Convention Floor Amendment No. 1 proposed by Mr. O'Neill thereto and adopted by the Convention on November 2, 1973, and insert in lieu thereof the following:

"(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds

derived or to be derived from that portion of the funds received by it from the Revenue Sharing Fund, as provided in Paragraph (D) of this Section, to offset current losses caused by the homestead exemptions granted by this Article. No portion of any moneys allocated within any parish out of any balance remaining in any parish distribution, as provided in Paragraph (D) hereof, may be pledged to the payment of the principal or interest of any bonds. These bonds shall be issued and sold as provided by law, and shall require the approval of the State Bond Commission prior to issuance and sale."

On the motion of Delegate Rayburn the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Perez sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Perez to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1, proposed by Delegate Gravel, et al. On November 2, 1973, at the end of the text inserted by Convention Floor Amendment No. 1 offered by Delegates Rayburn and Blair and adopted by the Convention on November 2, 1973, add the following:

"In addition to the above, the state shall pay out of the state general fund to each political subdivision a sum of money equal to the amount of taxes lost to each such political subdivision as the result of ad valorem tax exemptions granted by the state for manufacturing establishments after the adoption of this constitution. This provision shall not apply when the governing authority of the parish and of the school district in which such exempt industry is located approves by resolution such ad valorem tax exemption."

Delegate Perez moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	D'Gerolamo	Schmitt
Anzalone	Gauthier	Shannon
Arnette	Giarrusso	Singletary
Avant	Heine	Stinson
Bergeron	Jackson, J.	Sutherland
Bollinger	Kilbourne	Toca
Burns	Landry, E. J.	Toomy
Burson	Lanier	Ullo
Cannon	Miller	Velazquez
Carmouche	Nunez	Wall
Chatelain	Ourso	Willis
Chehardy	Perez	Zervigon
Conino	Perkins	
Total—38.		

NAYS

Delegates—		
Mr. Chairman	De Blieux	Goldman
Abraham	Dennery	Graham
Asseff	Dennis	Gravel
Badeaux	Duval	Grier
Blair	Elkins	Guarisco
Brien	Fayard	Hardee
Brown	Flory	Hayes
Casey	Fontenot	Haynes
Champagne	Fowler	Hernandez
Conroy	Fulco	Jackson, A.
Corne	Ginn	Jenkins

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Juneau	Morris	Stagg
Kean	Newton	Tate
Kelly	O'Neill	Thompson
Kilpatrick	Rachal	Tobias
Lambert	Rayburn	Vesich
Landrum	Reeves	Vick
Leigh	Roemer	Warren
McDaniel	Roy	Wattigny
Martin	Sandoz	Weiss
Mauberret	Slay	Winchester
Maybuce	Smith	Wisham
Mire	Soniati	
Total—68.		

NOT VOTING

Delegates—	Edwards	Pugh
Aertker	Jack	Riecke
Alexander	Landry, A.	Segura
Bel	LeBleu	Stephenson
Comar	Leithman	Stovall
Cowen	Lennox	Tapper
Derbes	Lowe	Thistlethwaite
Deshotels	Munson	Womack
Drew	Planchard	
Dunlap		
Total—26.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy and Kean to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, line 7, in Floor Amendment No. 1 proposed by Delegates Gravel, et al., and adopted by the Convention on November 2, 1973, after the last line of said amendment and immediately below the last line of all amendments to date adopted to said Floor Amendment No. 1 by Delegates Gravel, et al., add the following paragraph:

“(F) In making the millage adjustments provided in Section 5, there shall be considered as ad valorem taxes collected in the year the provisions of Section 1 of this Article are implemented so much of the distribution made in that year pursuant to this section to offset current losses because of homestead exemptions as exceeds the amount distributed in the prior year to offset current losses because of homestead exemptions then in effect.”

Delegate Conroy moved the adoption of the amendment.

Delegate Burns objected.

By a vote of 27 yeas and 71 nays the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, in Floor Amendment No. 1 proposed by Delegates Gravel, et al., and adopted by the Convention on November 2, 1973, in line 3 of Floor Amendment No. 1 pro-

posed by Delegate Womack and adopted by the Convention on the same day, delete the word “ninety” and insert in lieu thereof the words “one hundred”

AMENDMENT No. 2—

On page 8, line 7, in Floor Amendment No. 1 proposed by Delegate Gravel, et al., and adopted by the Convention on November 2, 1973, after the last line of said amendment and immediately below the last line of all amendments to date adopted to said Floor Amendment No. 1 by Delegate Gravel, et al., add the following paragraph:

“(F) No taxing authority shall be reimbursed an amount less than its losses caused by the homestead exemption.”

On motion of Delegate Duval a division of the question was ordered.

Delegate Burson moved the adoption of Amendment No. 1.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Goldman	Sutherland
Alario	Gravel	Tobias
Anzalone	Leithman	Toca
Bergeron	Morris	Toomy
Brown	Newton	Ullo
Burson	Nunez	Velazquez
Carmouche	Perez	Vick
Casey	Rachal	Warren
Chehardy	Sandoz	Wattigny
Conino	Singletary	Willis
D'Gerolamo	Soniati	Zervigon
Giarrusso		
Total—33.		

NAYS

Delegates—	Graham	Mauberret
Abraham	Grier	Maybuce
Arnette	Guarisco	Miller
Asseff	Hardee	Mire
Badeaux	Hayes	O'Neill
Blair	Haynes	Perkins
Bollinger	Heine	Rayburn
Brien	Hernandez	Reeves
Burns	Jack	Roemer
Cannon	Jackson, A.	Roy
Champagne	Jackson, J.	Shannon
Chatelain	Jenkins	Slay
Conroy	Juneau	Smith
Corne	Kelly	Stagg
De Blieux	Kilbourne	Stinson
Dennis	Kilpatrick	Thompson
Deshotels	Lambert	Vesich
Duval	Landry, A.	Wall
Elkins	Landry, E. J.	Weiss
Flory	Lanier	Winchester
Fontenot	Leigh	Wisham
Fowler	McDaniel	
Fulco	Martin	
Gauthier		
Total—68.		

NOT VOTING

Delegates—	Edwards	Pugh
Mr. Chairman	Fayard	Riecke
Aertker	Ginn	Schmitt
Alexander	Kean	Segura
Avant	Landrum	Stephenson
Bel	LeBleu	Stovall
Comar	Lennox	Tapper
Cowen	Lowe	Tate
Dennerly	Munson	Thistlethwaite
Derbes	Ourso	Womack
Drew	Planchard	
Dunlap		
Total—31.		

And the amendment was rejected.

Delegate Rayburn moved to reconsider the vote by which

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the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson moved the adoption of Amendment No. 2.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Goldman	Soniat
Alario	Hernandez	Stinson
Anzalone	Jackson, J.	Sutherland
Bergeron	Kilbourne	Toca
Burson	Leithman	Toomy
Carmouche	Morris	Uilo
Casey	Newton	Velazquez
Chehardy	Nunez	Vick
Conino	Perkins	Warren
D'Gerolamo	Sandoz	Willis
Gauthier	Singletary	Zervigon
Giarrusso		
Total—34.		

NAYS

Delegates—

Arnette	Gravel	Mauberet
Asseff	Grier	Miller
Badeaux	Guarisco	Mire
Blair	Hardee	O'Neill
Bollinger	Hayes	Rachal
Brien	Haynes	Rayburn
Brown	Heine	Reeves
Burns	Jack	Roemer
Cannon	Jackson, A.	Roy
Champagne	Jenkins	Shannon
Chatelain	Juneau	Slay
Conroy	Kelly	Smith
De Blieux	Kilpatrick	Stagg
Deshotels	Lambert	Thompson
Duval	Landrum	Tobias
Elkins	Landry, A.	Vesich
Flory	Landry, E. J.	Wall
Fontenot	Lanier	Wattigny
Fowler	Leigh	Weiss
Fulco	McDaniel	Winchester
Graham	Martin	Wisham
Total—62.		

NOT VOTING

Delegates—

Mr. Chairman	Dunlap	Planchard
Aertker	Edwards	Pugh
Alexander	Fayard	Riecke
Avant	Ginn	Schmitt
Bel	Kean	Segura
Comar	LeBleu	Stephenson
Corne	Lennox	Stovall
Cowen	Lowe	Tapper
Dennery	Maybuce	Tate
Dennis	Munson	Thistlethwaite
Derbes	Ourso	Womack
Drew	Perez	
Total—36.		

And the amendment was rejected.

Delegate Burns moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26 Section 6 was read, as amended.

Delegate Rayburn moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Goldman	Perez
Asseff	Grier	Perkins
Badeaux	Hardee	Rayburn
Blair	Hayes	Reeves
Brown	Heine	Roemer
Burns	Hernandez	Sandoz
Carmouche	Jack	Shannon
Champagne	Jenkins	Singletary
Chatelain	Kelly	Smith
Conino	Kilpatrick	Stagg
D'Gerolamo	Lambert	Stinson
Dennis	Landry, A.	Thompson
Deshotels	Leigh	Toca
Elkins	McDaniel	Uilo
Fowler	Martin	Wall
Fulco	Morris	Weiss
Gauthier	Nunez	Willis
Ginn	O'Neill	Wisham
Total—54.		

NAYS

Delegates—

Mr. Chairman	Giarrusso	Mire
Abraham	Graham	Newton
Anzalone	Gravel	Rachal
Arnette	Guarisco	Roy
Bergeron	Haynes	Slay
Bollinger	Jackson, A.	Soniat
Brien	Jackson, J.	Sutherland
Burson	Juneau	Tobias
Cannon	Kilbourne	Toomy
Casey	Landrum	Velazquez
Chehardy	Landry, E. J.	Vesich
Conroy	Lanier	Warren
Corne	Leithman	Wattigny
De Blieux	Mauberet	Winchester
Duval	Maybuce	Zervigon
Flory	Miller	
Total—47.		

NOT VOTING

Delegates—

Aertker	Fayard	Riecke
Alexander	Fontenot	Schmitt
Avant	Kean	Segura
Bel	LeBleu	Stephenson
Comar	Lennox	Stovall
Cowen	Lowe	Tapper
Dennery	Munson	Tate
Derbes	Ourso	Thistlethwaite
Drew	Planchard	Vick
Dunlap	Pugh	Womack
Edwards		
Total—31.		

Failed to pass. Motion to reconsider pending.

Motion

On motion of Delegate Rayburn the Convention deferred action on Committee Proposal No. 26, Section 7 at this time.

Section 8. Tax Assessor

Section 8. (A) There shall be a tax assessor elected by the qualified electors of each parish in the state, parish of Orleans excepted. His term of office shall be four years and the legislature shall define his duties, fix his compensation, and provide for his election.

(B) There shall be seven assessors in the city of New Orleans, who together shall compose the Board of Assessors for the parish of Orleans. One shall be elected from each municipal district of the city of New Orleans, and they shall be residents of the districts from which they are elected. Their terms shall be four years and they shall be elected at the same time as the municipal officers of the city of New Orleans.

(C) When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor,

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except in the parish of Orleans, where the Board of Assessors for the parish of Orleans shall appoint the interim assessor.

Read.

Delegate Champagne sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete line 32 in its entirety, and on page 9 delete lines 1 through 7 both inclusive, in their entirety, and insert in lieu thereof the following:

"(B) In the city of New Orleans one assessor shall be elected from each municipal district. Together, they shall compose the board of assessors for the parish of Orleans. Each shall be a resident of the district from which elected. These assessors shall be elected at the same time as the municipal officers of New Orleans, and each shall serve for a term of four years."

On motion of Delegate Champagne the amendment was adopted.

Delegate Champagne moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, on line 13 add the following:

"(D) All duties imposed by this Article on all state and parish officers are hereby declared to be mandatory, and any officer who neglects, fails or refuses to perform any such duty shall be subject to removal from office and liable on his official bond for such neglect, failure or refusal. Upon the refusal or failure of any state officer to perform any duty imposed upon him under the provisions of this Article; any citizen of the state may, and the attorney general of the state shall, institute in the proper court mandamus proceedings to compel such state officer to perform his duties. Upon the refusal or failure of any parish officer to perform any duty imposed upon him under the provisions of this Article; any citizen of the parish may, and the district attorney of the district, including such parish shall institute in the proper court mandamus proceedings to compel such parish officer to perform his duties."

Motion

Delegate Shannon moved that the Convention take up other Orders of Business.

Delegate Abraham objected.

By a vote of 53 yeas and 25 nays the Convention took up other Orders of Business.

COMMITTEE NOTICE

Delegate Aertker, chairman of the Committee on Education and Welfare, sent up the following notice:

The Committee on Education and Welfare will meet on Tuesday, November 6, 1973, after adjournment in Committee Room No. 5 and will consider the following agenda:

AGENDA

Consideration of the following proposals:

DP No. 3
DP No. 53
DP No. 66
DP No. 90
DP No. 92
CP No. 30
CP No. 11

Status Report for Committee Proposals No. 7, 12, 14, 18, and 54.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman of the Committee on
Education and Welfare

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Motion

On motion of Delegate Tate the Rules were suspended in order to call a meeting of the Committee on Style and Drafting without giving the required 24 hours notice.

COMMITTEE NOTICE

Judge Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Tuesday, November 6, 1973, after adjournment in the Treaty Room of the White House Inn and will consider the following agenda:

AGENDA

To consider Style and Drafting Amendments to be presented to the Convention.

Respectfully submitted,

TATE ALBERT, JR.
Chairman of the Committee on
Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Pugh—1 day.
Delegate Conroy—½ day.
Delegate Lennox—½ day.
Delegate Bel—October 2 through November 10.
Delegate Lowe—1½ days.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Saturday, November 3, 1973 at 8:30 o'clock A.M.

As a substitute Delegate Smith moved that the Convention do now adjourn until Saturday, November 3, 1973 at 9:00 o'clock A.M.

The vote recurred on the substitute motion.

By a vote of 66 yeas and 14 nays the Convention adjourned until Saturday, November 3, 1973 at 9:00 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Saturday, November 3, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

SEVENTY-EIGHTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, November 3, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Gauthier	Nunez
Abraham	Giarrusso	O'Neill
Alario	Ginn	Perez
Anzalone	Goldman	Planchard
Arnette	Graham	Rachal
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Haynes	Schmitt
Brien	Heine	Segura
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Cannon	Jackson, A.	Slay
Carmouche	Jackson, J.	Smith
Casey	Jenkins	Soniat
Champagne	Juneau	Stagg
Chatelain	Kean	Stinson
Chehardy	Kelly	Sutherland
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Tate
Conroy	Landrum	Tobias
Corne	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Toomy
De Blieux	Lanier	Velazquez
Dennerly	Leigh	Vesich
Dennis	Leithman	Vick
Deshotels	McDaniel	Wall
Dunlap	Martin	Warren
Duval	Mauberret	Wattigny
Edwards	Maybuce	Weiss
Elkins	Miller	Willis
Flory	Mire	Winchester
Fontenot	Morris	Wisham
Fowler	Newton	Zervigon
Fulco		

Total—109.

ABSENT

Delegates—		
Aertker	Lambert	Riecke
Alexander	LeBleu	Stephenson
Bel	Lennox	Stovall
Brown	Lowe	Thistlethwaite
Cowen	Munson	Thompson
Derbes	Ourso	Ullo
Drew	Perkins	Womack
Fayard	Pugh	

Total—23.

The Chairman announced that there were 109 members
present and a quorum.

Prayer

Prayer was offered by Delegate E. J. Landry.

Pledge of Allegiance

Delegate Leithman led the Convention in reciting the
Pledge of Allegiance to the Flag of the United States of
America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal
was dispensed with.

On motion of Delegate Roy, the Journal of yesterday was
adopted.

Morning Hour

Reconsideration

Section 6. Revenue Sharing Fund

Section 6. There is hereby established and created a
special fund in the State Treasury to be known as the
Revenue Sharing Fund. The fund shall be composed of
moneys which shall be transferred to it annually out of the
state general fund by the state treasurer in the amount
of eighty million dollars. This provision shall be self-
operative. The legislature may allocate additional sums to
the Revenue Sharing Fund and shall provide for distribu-
tion of the moneys in the fund to those local governing
bodies, municipalities, police juries, boards, commissions, dis-
tricts, and other agencies as may be designated by it.

On motion of Delegate Rayburn the vote by which the
above section failed to pass on yesterday was reconsidered.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

Section 8. Tax Assessor

Section 8. (A) There shall be a tax assessor elected by
the qualified electors of each parish in the state, parish of
Orleans excepted. His term of office shall be four years
and the legislature shall define his duties, fix his compen-
sation, and provide for his election.

(B) There shall be seven assessors in the city of New
Orleans, who together shall compose the Board of Assessors
for the parish of Orleans. One shall be elected from each
municipal district of the city of New Orleans, and they
shall be residents of the districts from which they are
elected. Their terms shall be four years and they shall be
elected at the same time as the municipal officers of the
city of New Orleans.

(C) When a vacancy occurs in the office of tax assessor
the duties of the office, until it is filled by election as
provided by law, shall be assumed by the chief deputy
assessor, except in the parish of Orleans, where the Board
of Assessors for the parish of Orleans shall appoint the
interim assessor.

Read.

The chairman announced that the Convention had under
consideration the following amendment proposed by Dele-
gate Zervigon to Committee Proposal No. 26, Section 8,
when it adjourned on Friday, November 3, 1973, which was
taken up and acted upon as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, on line 13 add the following:

"(D) All duties imposed by this Article on all state and parish officers are hereby declared to be mandatory, and any officer who neglects, fails or refuses to perform any such duty shall be subject to removal from office and liable on his official bond for such neglect, failure or refusal. Upon the refusal or failure of any state officer to perform any duty imposed upon him under the provisions of this Article; any citizen of the state may, and the attorney general of the state shall, institute in the proper court mandamus proceedings to compel such state officer to perform his duties. Upon the refusal or failure of any parish officer to perform any duty imposed upon him under the provisions of this Article; any citizen of the parish may, and the district attorney of the district, including such parish shall institute in the proper court mandamus proceedings to compel such parish officer to perform his duties."

Read.

On motion of Delegate Zervigon the amendment was withdrawn.

Motion

Delegate Vesich moved for a suspension of the Rules in order to allow him to call from the table the motion to reconsider the vote by which the Champagne amendment to Committee Proposal 26, Section 8 was adopted on yesterday.

Delegate Stagg objected.

By a vote of 69 yeas and 17 nays the Rules were suspended.

Delegate Vesich moved to reconsider the vote by which the Champagne amendment to Committee Proposal 26, Section 8 was adopted on yesterday.

Delegate Bollinger objected.

By a vote of 48 yeas and 46 nays the vote by which the Champagne amendment was adopted was reconsidered.

FLOOR AMENDMENT

Amendment proposed by Delegate Champagne to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete line 32 in its entirety, and on page 9 delete lines 1 through 7 both inclusive, in their entirety, and insert in lieu thereof the following:

"(B) In the city of New Orleans one assessor shall be elected from each municipal district. Together, they shall compose the board of assessors for the parish of Orleans. Each shall be a resident of the district from which elected. These assessors shall be elected at the same time as the municipal officers of New Orleans, and each shall serve for a term of four years."

Read.

Delegate Champagne moved to withdraw the amendment.

Delegate Schmitt objected.

By a vote of 69 yeas and 26 nays the amendment was withdrawn.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete line 32 in its entirety, and on page 9 delete lines 1 through 7 both inclusive, in their entirety, and insert in lieu thereof the following:

"(B) In the city of New Orleans one assessor shall be elected from each municipal district. Together, they shall compose the board of assessors for the parish of Orleans. Each shall be a resident of the district from which elected. These assessors shall be elected at the same time as the municipal officers of New Orleans, and each shall serve for a term of four years."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Vesich objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Grier	Reeves
Arnette	Hardee	Schmitt
Bollinger	Hayes	Shannon
Brien	Haynes	Soniat
Burson	Jackson, A.	Stagg
Champagne	Jackson, J.	Sutherland
De Blieux	Kean	Toomy
Deshotels	Kilpatrick	Velazquez
Dunlap	Landrum	Warren
Duval	Lanier	Weiss
Fontenot	McDaniel	Wisham
Ginn	Maybuce	Zervigon
Goldman	Rachal	
Total—38.		

NAYS

Delegates—		
Alario	Flory	Morris
Anzalone	Fowler	Nunez
Asseff	Fulco	O'Neill
Avant	Gauthier	Planchard
Badeaux	Giarrusso	Rayburn
Bergeron	Graham	Roemer
Blair	Gravel	Roy
Burns	Heine	Sandoz
Cannon	Hernandez	Segura
Carmouche	Jack	Singletary
Casey	Jenkins	Slay
Chatelain	Juneau	Smith
Chehardy	Kelly	Stinson
Comar	Kilbourne	Tapper
Conino	Landry, E. J.	Tate
Conroy	Leigh	Tobias
Corne	Leithman	Toca
D'Gerolamo	Martin	Vesich
Dennery	Maubertret	Wattigny
Dennis	Miller	Willis
Edwards	Mire	Winchester
Elkins		
Total—64.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Pugh
Aertker	Landry, A.	Riecke
Alexander	LeBleu	Stephenson
Bel	Lennox	Stovall
Brown	Lowe	Thistlethwaite
Cowen	Munson	Thompson
Derbes	Newton	Ullo
Drew	Ourso	Vick
Fayard	Perez	Wall
Guarisco	Perkins	Womack
Total—30.		

And the amendment was rejected.

Delegate Vesich moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved that further action be deferred on Section 8 at this time.

As a substitute Delegate Roy moved that the Convention defer action on Section 8 and revert to Section 6 at this time.

Delegate J. Jackson objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Goldman	Reeves
Anzalone	Graham	Roemer
Bergeron	Gravel	Roy
Blair	Guarisco	Sandoz
Burns	Hardee	Segura
Burson	Hernandez	Singletary
Cannon	Juneau	Slay
Carmouche	Kean	Smith
Casey	Kelly	Stagg
Champagne	Kilpatrick	Sutherland
Chehardy	Landry, A.	Tapper
Comar	Lanier	Tate
Conino	Leithman	Tobias
Conroy	Martin	Toca
Corne	Mauberet	Toomy
D'Gerolamo	Mire	Vesich
Dennis	Morris	Vick
Dunlap	Nunez	Wattigny
Edwards	O'Neill	Willis
Fulco	Planchard	Winchester
Gauthier	Rayburn	Zervigon
Ginn		
Total—64.		

NAYS

Delegates—		
Abraham	Fowler	Leigh
Arnette	Giarrusso	Maybuce
Asseff	Grier	Miller
Avant	Hayes	Rachal
Badeaux	Haynes	Schmitt
Brien	Heine	Shannon
Chatelain	Jackson, A.	Soniat
De Blieux	Jackson, J.	Stinson
Dennery	Jenkins	Velazquez
Deshotels	Kilbourne	Warren
Flory	Landrum	Weiss
Fontenot	Landry, E. J.	Wisham
Total—36.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Perkins
Aertker	Jack	Pugh
Alexander	Lambert	Riecke
Bel	LeBleu	Stephenson
Bollinger	Lennox	Stovall
Brown	Lowe	Thistlethwaite
Cowen	McDaniel	Thompson
Derbes	Munson	Ullo
Drew	Newton	Wall
Duval	Ourso	Womack
Elkins	Perez	
Total—32.		

And the Convention deferred action on Section 8 and reverted to Section 6.

Section 6. Revenue Sharing Fund

Section 6. There is hereby established and created a special fund in the State Treasury to be known as the Revenue Sharing Fund. The fund shall be composed of

moneys which shall be transferred to it annually out of the state general fund by the state treasurer in the amount of eighty million dollars. This provision shall be self-operative. The legislature may allocate additional sums to the Revenue Sharing Fund and shall provide for distribution of the moneys in the fund to those local governing bodies, municipalities, police juries, boards, commissions, districts, and other agencies as may be designated by it.

Read.

Delegate Rayburn sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Rayburn, Nunez, Tapper, Chehardy, Mire, Casey, Gravel, Kelly, Burson, Edwards, Blair, Graham, Segura, Duval, Lanier, Burns, Planchard, Carmouche, Morris, Corne, Haynes, Wattigny and Slay to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed Proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 7 through 18, both inclusive, including the floor amendment proposed by Delegates Gravel, et al., and adopted by the Convention on November 2, 1973, and all floor amendments adopted to said floor amendment by Delegates Gravel, et al., and insert in lieu thereof the following:

"Section 6. Revenue Sharing Fund; Distribution; Pledge of Proceeds

Section 6. (A) A special fund is created in the state treasury to be known as the Revenue Sharing Fund.

(B) There is hereby allocated annually from the State General Fund to the Revenue Sharing Fund the sum of ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund.

(C) The Revenue Sharing Fund shall be distributed annually as provided by the legislature solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless the legislature provides otherwise, population statistics of the last federal decennial census shall be utilized for this purpose.

(D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board, or its successor, shall be distributed to and by the city treasurer of the city of Monroe. After deductions, in each parish, for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish in accordance with law.

(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the Revenue Sharing Fund, as provided in Paragraph (D) of this Section, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by the legislature, no portion of any moneys allocated within any parish out of any balance remaining in any parish distribution, as provided in Paragraph (D) hereof, may be pledged to the payment of the principal or interest of any bonds. These bonds shall be issued and sold as provided by law, and shall require the approval of the State Bond Commission, or its successor, prior to issuance and sale."

Delegate Rayburn moved the adoption of the amendment.

Delegate Flory objected.

Delegate Flory asked for a record vote on the amendment.

And, upon the joining of 26 delegates, the Chair ordered a record vote on the amendment.

Motion

Delegate Anzalone moved for a suspension of the rule,

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for the purpose of this amendment, which requires a record vote upon the request of 26 Delegates.

Delegate Tapper objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Anzalone
Casey
Chatelain
Deshotels
Total—10.

Fulco
Segura
Stinson
Tobias
Willis
Zervigon

NAYS

Delegates—
Mr. Chairman
Abraham
Alario
Arnette
Asseff
Avant
Badeaux
Bergeron
Blair
Bollinger
Brien
Burns
Burson
Cannon
Carmouche
Champagne
Chehardy
Comar
Conino
Conroy
D'Gerolamo
De Blieux
Dennery
Dennis
Dunlap
Duval
Edwards
Flory
Fontenot
Fowler
Total—89.

Gauthier
Giarrusso
Goldman
Graham
Gravel
Grier
Guarisco
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kilbourne
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
McDaniel
Martin
Mauberet
Maybuce
Miller
Mire
Morris
Nunez
O'Neill
Perez
Planchard
Rachal
Rayburn
Reeves
Roemer
Roy
Sandoz
Schmitt
Singletary
Slay
Smith
Soniati
Sutherland
Tapper
Tate
Toca
Toomy
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Weiss
Winchester
Wisham

NOT VOTING

Delegates—
Aertker
Alexander
Bel
Brown
Corne
Cowen
Derbes
Drew
Elkins
Fayard
Ginn
Total—33.

Hardee
Kelly
Kilpatrick
Lambert
LeBleu
Leigh
Lennox
Lowe
Munson
Newton
Ourso
Perkins
Pugh
Riecke
Shannon
Stagg
Stephenson
Stovall
Thistlethwaite
Thompson
Ullo
Womack

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Alario

Anzalone
Arnette
Badeaux
Bergeron
Blair
Bollinger

Brien
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
D'Gerolamo
Dennery
Dennis
Dunlap
Duval
Edwards
Elkins
Fulco
Gauthier
Giarrusso
Goldman
Graham
Gravel
Guarisco
Total—90.

Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leithman
McDaniel
Martin
Mauberet
Mire
Morris
Nunez
Perez
Planchard
Rachal
Rayburn

Reeves
Roemer
Roy
Sandoz
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniati
Sutherland
Tapper
Tate
Tobias
Toca
Toomy
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Weiss
Willis
Winchester
Zervigon

NAYS

Delegates—
Asseff
Avant
De Blieux
Deshotels
Flory
Total—14.

Fontenot
Fowler
Grier
Kilbourne
Maybuce
Miller
O'Neill
Stinson
Wisham

NOT VOTING

Delegates—
Aertker
Alexander
Bel
Brown
Cowen
Derbes
Drew
Fayard
Ginn
Kelly
Total—28.

Lambert
LeBleu
Leigh
Lennox
Lowe
Munson
Newton
Ourso
Perkins
Pugh
Riecke
Stagg
Stephenson
Stovall
Thistlethwaite
Thompson
Ullo
Womack

And the amendment was adopted.

Delegate Rayburn moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Rayburn moved the previous question on the entire subject matter.

Delegate Abraham objected.

By a vote of 70 yeas and 29 nays, the previous question was ordered.

Committee Proposal No. 26 Section 6 was read in full.

Delegate Rayburn moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Alario
Anzalone
Arnette
Badeaux
Bergeron
Blair
Bollinger
Brien
Burns
Burson
Cannon

Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
D'Gerolamo
Dennery
Dennis
Dunlap
Duval
Edwards
Elkins
Fulco
Gauthier
Giarrusso
Goldman
Graham
Gravel
Grier
Guarisco

Hardee	Mauberret	Soniati
Hayes	Mire	Sutherland
Haynes	Morris	Tapper
Heine	Nunez	Tate
Hernandez	Perez	Tobias
Jack	Planchard	Toca
Jackson, A.	Rachal	Toomy
Jackson, J.	Rayburn	Velazquez
Juneau	Reeves	Vesich
Kean	Roemer	Vick
Landrum	Roy	Wall
Landry, A.	Sandoz	Warren
Landry, E. J.	Segura	Wattigny
Lanier	Shannon	Weiss
Leithman	Singletary	Willis
McDaniel	Slay	Winchester
Martin	Smith	Zervigon
Total—87.		

NAYS

Delegates—	Fontenot	Miller
Abraham	Fowler	O'Neill
Asseff	Jenkins	Schmitt
Avant	Kilbourne	Stinson
De Blieux	Maybuce	Wisham
Deshotels		
Flory		
Total—16.		

NOT VOTING

Delegates—	Kilpatrick	Pugh
Aertker	Lambert	Riecke
Alexander	LeBleu	Stagg
Bel	Leigh	Stephenson
Brown	Lennox	Stovall
Cowen	Lowe	Thistlethwaite
Derbes	Munson	Thompson
Drew	Newton	Ullio
Fayard	Ourso	Womack
Ginn	Perkins	
Kelly		
Total—29.		

And the Chair declared that the above Section was finally passed.

Delegate Rayburn moved to reconsider the vote by which the above Section was finally passed, and, to lay the motion to reconsider on the table.

Delegate Fowler objected to tabling the motion to reconsider.

By a vote of 82 yeas and 16 nays the motion to reconsider was tabled.

Section 7. Method of Distribution of Revenue Sharing Funds

Section 7. Revenue sharing funds shall be distributed by the legislature to the parishes solely on the basis of population and number of homesteads in the parish. The ratio to be used in making the distribution and the distribution of these funds by each parish shall be made in accordance with law.

Read.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 19 through 25, both inclusive, in their entirety

On motion of Delegate Abraham the amendment was adopted.

Delegate Abraham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Fontenot sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Fontenot to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 8, delete lines 27 through 32, both inclusive, in their entirety and on page 9, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. (A) There shall be a tax assessor elected by the qualified electors of each parish in the state. His term of office shall be four years and the legislature shall define his duties, fix his compensation, and provide for his election.

(B) When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor."

Motion

Delegate Shannon moved for a suspension of the Rules in order to limit debate on amendments to Committee Proposal 26, Section 7 of two proponents and two opponents with each speaker limited to five minutes.

Delegate Fontenot objected.

By a vote of 52 yeas and 29 nays, the Convention refused to suspend the Rules at this time.

Delegate Fontenot moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Jack
Abraham	Fulco	Miller
Arnette	Goldman	Schmitt
Asseff	Grier	Shannon
Champagne	Guarisco	Weiss
De Blieux	Hayes	
Elkins		
Total—17.		

NAYS

Delegates—	Giarrusso	Rayburn
Alario	Graham	Reeves
Anzalone	Gravel	Roemer
Avant	Haynes	Roy
Badeaux	Heine	Sandoz
Bergeron	Hernandez	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniati
Burns	Juneau	Stinson
Burson	Kean	Sutherland
Cannon	Kilbourne	Tate
Carmouche	Landrum	Tobias
Chatelain	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Conino	Lanier	Velazquez
Conroy	Leithman	Vesich
Corne	Mauberret	Vick
D'Gerolamo	Maybuce	Warren
Dennery	Mire	Wattigny
Dennis	Morris	Willis
Deshotels	O'Neill	Winchester
Dunlap	Perez	Wisham
Duval	Planchard	Zervigon
Flory	Rachal	
Gauthier		
Total—74.		

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NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Perkins
Aertker	Kelly	Pugh
Alexander	Kilpatrick	Riecke
Bel	Lambert	Segura
Brown	LeBleu	Stagg
Casey	Leigh	Stephenson
Comar	Lennox	Stovall
Cowen	Lowe	Tapper
Derbes	McDaniel	Thistlethwaite
Drew	Martin	Thompson
Edwards	Munson	Uilo
Fayard	Newton	Wall
Fowler	Nunez	Womack
Ginn	Ourso	
Total—41.		

And the amendment was rejected.

Delegate Vesich moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Landrum sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Landrum, Velazquez, J. Jackson and Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 3, after the words and punctuation "New Orleans," and before the word "and" insert the words "which districts shall be drawn as equally as practicable on the basis of the total population of the parish of Orleans as shown by the last decennial federal census."

Motion

Delegate Roy moved the previous question on the amendment.

Delegate Lanier objected.

By a vote of 20 yeas and 60 nays the Convention refused to order the previous question at this time.

Motion

Delegate Arnette moved the previous question on the amendment.

As a substitute Delegate Smith moved the previous question on the entire subject matter.

Delegate Jackson objected.

The vote recurred on the substitute motion.

By a vote of 45 yeas and 43 nays and the previous question was ordered on the entire subject matter.

Delegate J. Jackson moved the adoption of the amendment.

Delegate Vesich objected.

By a vote of 37 yeas and 55 nays the amendment was rejected.

Delegate Vesich moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 8 was read as amended.

Delegate Rayburn moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:
YEAS

Delegates—		
Mr. Chairman	Fulco	Perez
Alario	Gauthier	Planchard
Anzalone	Giarrusso	Rayburn
Asseff	Goldman	Reeves
Avant	Graham	Roemer
Badeaux	Gravel	Roy
Bergeron	Grier	Sandoz
Blair	Guarisco	Shannon
Bollinger	Hayes	Singletary
Burns	Haynes	Slay
Burson	Heine	Smith
Cannon	Hernandez	Soniati
Carmouche	Jack	Stinson
Casey	Juneau	Sutherland
Chatelain	Kean	Tapper
Chehardy	Kilbourne	Tate
Comar	Landrum	Tobias
Conino	Landry, A.	Toomy
Conroy	Landry, E. J.	Velazquez
Corne	Lanier	Vesich
D'Gerolamo	Leithman	Vick
Dennery	Martin	Warren
Dennis	Mauberret	Wattigny
Deshotels	Mire	Willis
Dunlap	Morris	Winchester
Elkins	Nunez	Wisham
Flory	O'Neill	Zervigon
Fowler		
Total—82.		

NAYS

Delegates—		
Abraham	De Blieux	Maybuce
Arnette	Jackson, A.	Rachal
Brien	Jackson, J.	Schmitt
Champagne	Jenkins	Weiss
Total—12.		

NOT VOTING

Delegates—		
Aertker	Kelly	Pugh
Alexander	Kilpatrick	Riecke
Bel	Lambert	Segura
Brown	LeBleu	Stagg
Cowen	Leigh	Stephenson
Derbes	Lennox	Stovall
Drew	Lowe	Thistlethwaite
Duval	McDaniel	Thompson
Edwards	Miller	Toca
Fayard	Munson	Uilo
Fontenot	Newton	Wall
Ginn	Ourso	Womack
Hardee	Perkins	
Total—38.		

And the Chair declared that the above Section was finally passed.

Delegate Rayburn moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, add the following:

"Section 9. Multiparish Districts

Section 9. (A) All ad valorem taxes levied by a multiparish taxing district shall be equal and uniform upon the same class of property."

On motion of Delegate Schmitt the amendment was withdrawn.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Schmitt to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, add the following new section:

"Section 9. Assessment Ratio Studies

Section 9. The Louisiana Tax Commission shall conduct an assessment ratio study annually in each parish to determine the ratio of assessed value to fair market value. The results of the study shall be the basis used for valuing public service property, for equitably applying the millages as provided in Section 1 hereof, and for determining the homestead exemption level in the various assessing districts."

Delegate Schmitt moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Flory	Sutherland
Badeaux	Fontenot	Velazquez
Champagne	Grier	Wall
Dennis	Maybuce	Warren
Deshotels	Schmitt	Weiss
Total—15.		

NAYS

Delegates—

Alario	Goldman	Perez
Annette	Graham	Planchar
Asseff	Gravel	Rachal
Avant	Guarisco	Rayburn
Bergeron	Hayes	Reeves
Blair	Haynes	Roemer
Bollinger	Heine	Shannon
Brien	Hernandez	Singletary
Burns	Jackson, A.	Slay
Cannon	Jenkins	Smith
Carmouche	Juneau	Soniat
Chatelain	Kean	Stinson
Chehardy	Kilbourne	Tate
Conino	Landrum	Tobias
Conroy	Landry, A.	Toca
Corne	Landry, E. J.	Toomy
D'Gerolamo	Lanier	Vesich
De Blieux	Leithman	Vick
Dunlap	Martin	Wattigny
Elkins	Mauberret	Willis
Fowler	Mire	Winchester
Fulco	Nunez	Wisham
Gauthier	O'Neill	Zervigon
Giarrusso		
Total—70.		

NOT VOTING

Delegates—
Mr. Chairman

Aertker	Drew	Leigh
Alexander	Duval	Lennox
Anzalone	Edwards	Lowe
Bel	Fayard	McDaniel
Brown	Ginn	Miller
Burson	Hardee	Morris
Casey	Jack	Munson
Comar	Jackson, J.	Newton
Cowen	Kelly	Ourso
Dennery	Kilpatrick	Perkins
Derbes	Lambert	Pugh
	LeBleu	Riecke

Roy
Sandoz
Segura
Stagg
Total—47.

Stephenson
Stovall
Tapper
Thistlethwaite

Thompson
Ullo
Womack

The amendment not having received the vote of a majority of the total membership of the Convention necessary to add a Section to a Proposal, failed to pass.

Delegate Rayburn moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, A. Landry, Bollinger, Fowler, Carmouche, Mire, Champagne, Burson, Guarisco and Hardee to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21, add the following new Section:

"Section 4.1. Acreage Taxes

Section 4.1. Acreage taxes, assessments and contributions for the benefit of the land may be levied and collected within political subdivisions as heretofore or hereafter authorized by law, and these taxes, assessments and contributions shall not be subject to the provisions of Section 1 of this Article. However, property occupied as a homestead, as defined in Section 1 of this Article, shall be from acreage taxes, assessments and contributions levied for forestry purposes."

On motion of Delegate Lanier the motion was withdrawn.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, A. Landry, Bollinger, Fowler, Carmouche, Mire, Champagne, Burson, Guarisco and Hardee to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between liens 20 and 21, add the following new Section:

"Section 4.1. Acreage Taxes

Section 4.1. Acreage taxes, assessments and contributions for the benefit of the land may be levied and collected within political subdivisions as heretofore or hereafter authorized by law, and these taxes, assessments and contributions shall not be subject to the provisions of Section 1 of this Article. However, property occupied as a homestead, as defined in Section 1 of this Article, shall be subject to the homestead exemption from acreage taxes, assessments and contributions levied for forestry purposes."

On motion of Delegate Lanier the amendment was withdrawn.

Leaves of Absence

Delegate Perkins—1 day.
Delegate Aertker—1 day.
Delegate Ullo—1 day.
Delegate Thompson—1 day.
Delegate Fayard—1 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Tuesday, November 6, 1973 at 1:00 o'clock P.M.

As a substitute Delegate Flory moved that the Convention adjourn until Wednesday, November 7, 1973, at 9:00 o'clock A.M.

Delegate Nunez objected.

The vote recurred on the longest period of time.

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By a vote of 9 yeas and 69 nays the Convention refused to adjourn until Wednesday, November 7, 1973 at 9:00 o'clock A.M.

On motion of Delegate Nunez the Convention adjourned to Tuesday, November 6, 1973, at 1:00 o'clock P.M.

And Chairman Henry declared the Convention adjourned to Tuesday, November 6, 1973 at 1:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

SEVENTY-NINTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, November 6, 1973, Baton Rouge, La.

The Convention was called to order at 1:00 o'clock p.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	Perez
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Pugh
Anzalone	Graham	Rachal
Arnette	Gravel	Rayburn
Asseff	Grier	Reeves
Avant	Guarisco	Riecke
Badeaux	Hardee	Roemer
Bergeron	Hayes	Sandoz
Blair	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jackson, A.	Singletary
Burns	Jenkins	Slay
Burson	Juneau	Soniat
Cannon	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stovall
Champagne	Lambert	Sutherland
Chatelain	Landrum	Tapper
Comar	Landry, A.	Tate
Conino	Landry, E. J.	Thompson
Conroy	Lanier	Tobias
Corne	LeBleu	Toca
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Uilo
De Blieux	Lowe	Velazquez
Dennery	McDaniel	Vesich
Dennis	Martin	Vick
Derbes	Maybuce	Wall
Dunlap	Miller	Warren
Duval	Mire	Wattigny
Elkins	Morris	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fowler	Ourso	Zervigon
Total—114.		

ABSENT

Delegates—		
Alexander	Goldman	Munson
Bel	Jack	Roy
Chehardy	Jackson, J.	Smith
Deshotels	Kean	Stinson
Drew	Lennox	Thistlethwaite
Edwards	Mauberet	Weiss
Total—18.		

The Chairman announced that there were 114 members
present and a quorum.

Prayer

Prayer was offered by Delegate Chatelain.

Pledge of Allegiance

Delegate Reeves led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate A. Landry, the reading of the
Journal was dispensed with.

On motion of Delegate A. Landry, the Journal of yester-
day was adopted.

Morning Hour

Petitions, Memorials and Communications

The following petitions, memorials and communications
were received and read:

The Chairman read to the Convention a letter from Dele-
gate Lennox addressed to the Honorable Edwin E. Edwards,
Governor of the State of Louisiana, whereby Delegate
Lennox tendered his resignation as a delegate to the Con-
stitutional Convention.

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of
the Committee on Revenue, Finance and Taxation, and Dele-
gates Alario, Brown, Chehardy, Edwards, Goldman, Mauber-
ret, Mire, Nunez, Planchard, Slay and Winchester:

A PROPOSAL

Making provisions for property taxation.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal Number 26, when it
adjourned on Saturday, November 3rd, 1973, which was taken
up and acted upon as follows:

Delegate Avant sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee
Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, add the following:

"Section 9. Tax Sales; Redemption of Property

Section 9. There shall be no forfeiture of property for the
nonpayment of taxes, but at the expiration of the year in
which said taxes are due, the collector shall, without suit, and
after giving notice to the delinquent in the manner provided
by law, advertise for sale in the official journal of the parish
or municipality, provided there be an official journal in such
parish or municipality; or, if not, then, as is now or may be
provided by law for sheriff's sales, the property on which the
taxes are due in the manner provided for judicial sales, and
on the day of sale he shall sell such portion of the property
as the debtor shall point out and in case the debtor shall not
point out sufficient property, the collector shall, at once and
without further delay, sell the least quantity of property
which any bidder will buy for the amount of taxes, interest
and costs. The sale shall be without appraisement and the
property sold shall be redeemable at any time during three
years from date for recordation of the tax sale, by paying the
price given, including costs and five per cent penalty thereon,
with interest at the rate of one percent per month until re-

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deemed. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, with ten percent per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, all deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as prima facie valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption shall have expired and within five years from the date of the recordation of the tax deed, if no notice is given. The fact that taxes were paid on a part of the property sold, prior to the sale thereof, or that part thereof was not subject to taxation, shall not be cause for annulling the sale as to any part thereof on which the taxes for which it was sold were due and unpaid."

On motion of Delegate Avant the amendment was withdrawn.

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier and Planchard to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21, add the following new Section:

"Section 4.1. Specific Property Taxes

Section 4.1. Acreage taxes, assessments and contributions for the benefit of land and other specific property taxes shall be listed on the assessment rolls but shall not be subject to the other provisions of Section 1 of this Article. However, the exemption of homesteads from taxation therein provided is hereby extended and made applicable to forestry acreage taxes."

Delegate Lanier moved the adoption of the amendment.

Delegate Pugh objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fayard	Miller
Anzalone	Fontenot	Mire
Badeaux	Fowler	Morris
Bergeron	Giarrusso	Newton
Blair	Ginn	Nunez
Bollinger	Graham	Perez
Brien	Gravel	Planchard
Burns	Grier	Rayburn
Burson	Guarisco	Reeves
Cannon	Hardee	Riecke
Carmouche	Heine	Roemer
Champagne	Hernandez	Sandoz
Chatelain	Jackson, A.	Schmitt
Conino	Juneau	Shannon
Corne	Kelly	Singletary
Cowen	Kilpatrick	Slay
D'Gerolamo	Landry, A.	Stagg
Dennerly	Lanier	Stovall
Dunlap	LeBleu	Sutherland
Duval	Leithman	Tobias
Elkins	McDaniel	Toca

Toomy
Ullo
Velazquez
Total—72.

Warren
Wattigny
Willis

Winchester
Womack
Zervigon

NAYS

Delegates—

Abraham
Arnette
Asseff
Avant
Conroy
Derbes
Flory

Total—20.

Fulco
Gauthier
Hayes
Haynes
Jenkins
Kilbourne
Landry, E. J.

Lowe
Maybuce
O'Neill
Pugh
Soniat
Vick

NOT VOTING

Delegates—

Mr. Chairman
Aertker
Alexander
Bel
Brown
Casey
Chehardy
Comar
De Blieux
Dennis
Deshotels
Drew
Edwards

Total—39.

Goldman
Jack
Jackson, J.
Kean
Lambert
Landrum
Leigh
Martin
Mauberret
Munson
Ourso
Perkins
Rachal

Roy
Segura
Smith
Stephenson
Stinson
Tapper
Tate
Thistlethwaite
Thompson
Vesich
Wall
Weiss
Wisham

The amendment having received the vote of a majority of the total membership of the Convention necessary to add a Section to a Proposal was passed.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of vote with respect to the adoption of the above Floor Amendment No. 1 proposed by Delegates Lanier and Planchard.

"I have voted against this amendment due to the language in the last sentence thereof which, in my opinion, raises a constitutional question under the 14th Amendment to the United States Constitution."

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Pugh to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21, in Floor Amendment No. 1 proposed by Delegates Lanier and Planchard, and adopted by the Convention on November 6, 1973, on line 6 of said amendment after the word and punctuation "Article." delete the remainder of the line and delete lines 7 and 8 in their entirety.

Delegate Pugh moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Burson
Champagne
Conroy
Corne
Cowen
Derbes

Elkins
Flory
Fulco
Gravel
Hardee
Haynes
Jackson, A.

Jenkins
Kilbourne
Leigh
Lowe
McDaniel
Maybuce
O'Neill

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Pugh	Soniat	Velazquez
Riecke	Stagg	Warren
Schmitt	Stovall	
Shannon	Sutherland	
Total—31.		

NAYS

Delegates—	Fayard	Morris
Aertker	Fontenot	Nunez
Alario	Fowler	Perez
Anzalone	Gauthier	Planchard
Arnette	Giarrusso	Rayburn
Asseff	Ginn	Reeves
Avant	Graham	Roemer
Badeaux	Grier	Sandoz
Bergeron	Guarisco	Singletary
Blair	Hayes	Slay
Bollinger	Heine	Thompson
Brien	Hernandez	Tobias
Brown	Juneau	Toca
Burns	Kelly	Toomy
Cannon	Kilpatrick	Ullo
Carmouche	Landry, A.	Vesich
Casey	Landry, E. J.	Wattigny
Chatelain	Lanier	Willis
Conino	LeBleu	Winchester
D'Gerolamo	Leithman	Womack
Dennerly	Miller	Zervigon
Dunlap	Mire	
Duval		
Total—65.		

NOT VOTING

Delegates—	Jackson, J.	Segura
Mr. Chairman	Kean	Smith
Alexander	Lambert	Stephenson
Bel	Landrum	Stinson
Chehardy	Martin	Tapper
Comar	Mauberret	Tate
De Blieux	Munson	Thistlethwaite
Dennis	Newton	Vick
Deshotels	Ourso	Wall
Drew	Perkins	Weiss
Edwards	Rachal	Wisham
Goldman	Roy	
Jack		
Total—35.		

And the amendment was rejected.

Delegate Lanier moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 4.1 was read.

Delegate Lanier moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Conino	Hardee
Aertker	Corne	Heine
Alario	D'Gerolamo	Hernandez
Anzalone	Dennerly	Juneau
Arnette	Dunlap	Kelly
Badeaux	Duval	Kilpatrick
Bergeron	Elkins	Lambert
Bollinger	Fontenot	Landry, A.
Brien	Fowler	Lanier
Brown	Gauthier	LeBleu
Burns	Giarrusso	Leigh
Cannon	Ginn	Leithman
Carmouche	Graham	McDaniel
Casey	Grier	Miller
Chatelain	Guarisco	Mire
Comar		

Morris	Sandoz	Ullo
Nunez	Shannon	Velazquez
Perez	Slay	Warren
Planchard	Stagg	Willis
Reeves	Sutherland	Zervigon
Riecke	Toca	
Roemer	Toomy	
Total—64.		

NAYS

Delegates—	Fulco	Pugh
Abraham	Gravel	Rayburn
Asseff	Hayes	Schmitt
Avant	Haynes	Singletary
Blair	Jackson, A.	Soniat
Burson	Jenkins	Stovall
Champagne	Kilbourne	Tate
Conroy	Landry, E. J.	Tobias
Cowen	Lowe	Weisch
Derbes	Maybuce	Winchester
Fayard	O'Neill	
Flory		
Total—32.		

NOT VOTING

Delegates—	Kean	Stephenson
Mr. Chairman	Landrum	Stinson
Alexander	Martin	Tapper
Bel	Mauberret	Thistlethwaite
Chehardy	Munson	Thompson
De Blieux	Newton	Vick
Dennis	Ourso	Wall
Deshotels	Perkins	Wattigny
Drew	Rachal	Weiss
Edwards	Roy	Wisham
Goldman	Segura	Womack
Jack	Smith	
Jackson, J.		
Total—35.		

Failed to pass. Motion to reconsider pending.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, add the following:

"Section 9. Tax Sales; Redemption of Property

Section 9. There shall be no forfeiture of property for the nonpayment of taxes, but at the expiration of the year in which said taxes are due, the collector shall, without suit, and after giving notice to the delinquent in the manner provided by law, advertise for sale in the official journal of the parish or municipality, provided there be an official journal in such parish or municipality; or, if not, then, as is now or may be provided by law for sheriff's sales, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of taxes, interest and costs. The sale shall be without appraisalment and the property sold shall be redeemable at any time during three years from date of recordation of the tax sale, by paying the price given, including costs and five per cent penalty thereon, with interest at the rate of one per cent per month until redeemed. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, with ten percent per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, all deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as prima facie valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes for which the property was sold prior to the date of the sale, unless

the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption shall have expired and within five years from the date of the recordation of the tax deed, if no notice is given. The fact that taxes were paid on a part of the property sold, prior to the sale thereof, or that part thereof was not subject to taxation, shall not be cause for annulling the sale as to any part thereof on which the taxes for which it was sold were due and unpaid."

The manner of notice and form of preceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisalment, after ten days advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquents to deliver up for sale property in his possession or under his control.

The legislature shall be authorized to postpone the payment of taxes, only in cases of overflow, general conflagration, general destruction of crops, or other public calamity, and may provide for the levying, assessing and collecting such postponed taxes under appropriate terms and conditions. In such cases the legislature may authorize the borrowing of money by the state on its faith and credit, by bond issue or otherwise, and levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the State Board of Liquidation to the governing authority of the parish where the calamity befalls, to be applied to and not to exceed the deficiency and revenue of the parish or any political subdivision therein, or of which the parish is a part, caused by postponement of taxes. No loans shall be made to the governing authority of any parish without the approval of the State Board of Liquidation.

Delegate Avant moved the adoption of the amendment.

Delegate Asseff objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fayard	Leigh
Abraham	Flory	Leithman
Aertker	Fontenot	Lowe
Alario	Fowler	Maybuce
Anzalone	Fulco	Miller
Arnette	Gauthier	Mire
Avant	Giarursso	Morris
Badeaux	Ginn	Nunez
Bergeron	Graham	O'Neill
Blair	Gravel	Ourso
Bollinger	Grier	Perez
Brien	Guarisco	Planchard
Brown	Hardee	Pugh
Burns	Hayes	Rayburn
Burson	Hernandez	Reeves
Cannon	Jackson, A.	Riecke
Carmouche	Jenkins	Roemer
Chatelain	Juneau	Sandoz
Comar	Kelly	Schmitt
Conino	Kilbourne	Shannon
Corne	Kilpatrick	Slay
Cowen	Lambert	Soniati
D'Gerolamo	Landry, A.	Stagg
Dunlap	Landry, E. J.	Stephenson
Duval	Lanier	Stovall
Elkins	LeBleu	Sutherland

Toca
Toomy
Ullo
Velazquez
Total—88.

Vesich
Warren
Wattigny
Willis

Winchester
Womack

NAYS

Delegates—
Asseff
Casey
Champagne
Conroy
Total—10.

Dennery
Derbes
Heine
Singletary

Tobias
Zervigon

NOT VOTING

Delegates—
Alexander
Bel
Chehardy
De Blieux
Dennis
Deshotels
Drew
Edwards
Goldman
Haynes
Jack
Total—33.

Jackson, J.
Kean
Landrum
McDaniel
Martin
Mauberet
Munson
Newton
Perkins
Rachal
Roy

Segura
Smith
Stinson
Tapper
Tate
Thistlethwaite
Thompson
Vick
Wall
Weiss
Wisham

And the amendment was adopted.

The amendment having received a vote of the majority of the total membership of the Convention required to add a Section to a Proposal was passed.

Delegate Avant moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

Delegate Pugh sent up the following explanation of vote with respect to the adoption of the above Floor Amendment No. 1 proposed by Delegates Avant.

"I have voted against this Section based upon my opinion that the subject matter thereof is purely statutory in nature."

Delegate Derbes sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Derbes, Singletary, Pugh, and Tobias to Committee Proposal No. 26 by Delegate Rayburn, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 9, line 13, delete Floor Amendment No. 1 proposed by Delegates Avant, et al., and adopted by the Convention on November 6, 1973.

AMENDMENT No. 2—

On page 9, line 13, add the following:
"Section 9. Tax Sales; Redemption of Property
Section 9. There shall be no forfeiture of property for non-payment of taxes. However, the legislature shall provide for the sale and redemption of such property. The period during which redemption may occur shall be not less than three years from date of adjudication."

Delegate Derbes moved the adoption of the amendments.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Bollinger	Champagne
Arnette	Brown	Chatelain
Asseff	Burson	Conroy
Badeaux	Carmouche	Corne
Bergeron	Casey	Dennery

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Derbes	Landry, A.	Soniat
Fayard	Landry, E. J.	Stagg
Fulco	Lowe	Stovall
Graham	O'Neill	Sutherland
Gravel	Pugh	Tate
Haynes	Rachal	Tobias
Heine	Reeves	Ullo
Jackson, A.	Sandoz	Velazquez
Jenkins	Schmitt	Wall
Juneau	Segura	Warren
Lambert	Singletary	Zervigou
Total—48.		

NAYS

Delegates—	Ginn	Perez
Aertker	Grier	Planchard
Alario	Guarisco	Rayburn
Anzalone	Hardee	Riecke
Avant	Hayes	Roemer
Blair	Hernandez	Shannon
Brien	Kelly	Slay
Burns	Kilbourne	Stephenson
Cannon	Kilpatrick	Tapper
Comar	Landrum	Thompson
Conino	Lanier	Toca
Cowen	Leigh	Toomy
D'Gerolamo	Leithman	Vesich
Dunlap	McDaniel	Wattigny
Duval	Maybuce	Willis
Elkins	Miller	Winchester
Flory	Mire	Wisham
Fontenot	Morris	Womack
Fowler	Nunez	
Gauthier	Ourso	
Giarrusso		
Total—58.		

NOT VOTING

Delegates—	Goldman	Perkins
Mr. Chairman	Jack	Roy
Alexander	Jackson, J.	Smith
Bel	Kean	Stinson
Chehardy	LeBleu	Thistlethwaite
De Blieux	Martin	Vick
Dennis	Mauberret	Weiss
Deshotels	Munson	
Drew	Newton	
Edwards		
Total—25.		

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 26, Section 9 was read.

Delegate Avant moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Cannon	Fayard
Mr. Chairman	Carmouche	Flory
Abraham	Chatelain	Fontenot
Aertker	Comar	Fowler
Alario	Conino	Gauthier
Anzalone	Corne	Giarrusso
Arnette	Cowen	Graham
Avant	D'Gerolamo	Gravel
Badeaux	Dennerly	Grier
Bergeron	Derbes	Guarisco
Blair	Dunlap	Hardee
Bollinger	Duval	Hayes
Brien	Elkins	
Burns		

Haynes	McDaniel	Stephenson
Heine	Maybuce	Stovall
Hernandez	Miller	Sutherland
Jackson, A.	Mire	Tapper
Jenkins	Morris	Toca
Juneau	Nunez	Toomy
Kelly	O'Neill	Ullo
Kilbourne	Ourso	Velazquez
Kilpatrick	Perez	Vesich
Lambert	Planchard	Wall
Landrum	Rachal	Warren
Landry, A.	Rayburn	Wattigny
Landry, E. J.	Riecke	Willis
Lanier	Sandoz	Winchester
LeBleu	Segura	Wisham
Leigh	Shannon	Womack
Leithman	Slay	Zervigou
Lowe	Soniat	
Total—92.		

Delegates—

Asseff	Fulco	Singletary
Burson	Pugh	Stagg
Casey	Reeves	Tate
Champagne	Roemer	Thompson
Conroy	Schmitt	Tobias
Total—15.		

NAYS

NOT VOTING

Delegates—	Edwards	Newton
Alexander	Goldman	Perkins
Bel	Jack	Roy
Brown	Jackson, J.	Smith
Chehardy	Kean	Stinson
De Blieux	Martin	Thistlethwaite
Dennis	Mauberret	Vick
Deshotels	Munson	Weiss
Drew		
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Avant moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Lanier the motion to reconsider the vote by which Section 4.1 failed to pass was laid on the table.

The Proposal was read in full.

Delegate Rayburn moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fulco	Leithman
Mr. Chairman	Gauthier	Lowe
Aertker	Giarrusso	McDaniel
Alario	Ginn	Maybuce
Anzalone	Graham	Miller
Arnette	Gravel	Mire
Badeaux	Grier	Morris
Blair	Hardee	Nunez
Bollinger	Hayes	O'Neill
Brown	Haynes	Ourso
Burns	Heine	Perez
Cannon	Hernandez	Planchard
Champagne	Jackson, A.	Pugh
Chatelain	Juneau	Rachal
Conino	Kelly	Rayburn
Conroy	Kilbourne	Reeves
Corne	Kilpatrick	Riecke
Cowen	Lambert	Sandoz
D'Gerolamo	Landry, A.	Segura
Dunlap	Landry, E. J.	Shannon
Elkins	Lanier	Slay
Fayard	LeBleu	Stephenson
Fontenot	Leigh	Stovall
Fowler		

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Tapper	Velazquez	Willis
Tate	Vesich	Winchester
Toca	Wall	Wisham
Toomy	Warren	Womack
Ullo	Wattigny	

Total—83.

NAYS

Delegates—		
Abraham	Dennery	Schmitt
Asseff	Derbes	Singleary
Avant	Duval	Soniat
Bergeron	Flory	Stagg
Brien	Guarisco	Sutherland
Burson	Jenkins	Thompson
Carmouche	Landrum	Tobias
Casey	Roemer	Zervigon
Comar		

Total—25.

NOT VOTING

Delegates—		
Alexander	Goldman	Perkins
Bel	Jack	Roy
Chehardy	Jackson, J.	Smith
De Blieux	Kean	Stinson
Dennis	Martin	Thistlethwaite
Deshotels	Mauberet	Vick
Drew	Munson	Weiss
Edwards	Newton	

Total—23.

And the Chair declared that the above Proposal was finally passed.

Explanation of Vote

By Gary O'Neill:

My favorable vote on this article is not reflective of my views on property taxation. Rather, it is a vote on the most restrictive article we could possibly achieve in this Convention. While I do not favor taxation on private property, I feel this article will impose such limitations as to prevent confiscatory taxation levels in the future.

Proposals

Delegate and Committee

The following entitled Delegate Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL NUMBER 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Called from the Calendar.

Read.

Section 31. Parish Tax Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority

Section 31. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of

the tax shall be dedicated to the purpose or purposes set forth in the proposition.

(C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy, without a vote of the electors, on property located wholly within any municipality, which has a population in excess of one thousand inhabitants according to the last census and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 16, line 1, immediately after the words "shall be" and before the words "the purpose" delete the words "dedicated to" and insert in lieu thereof the words "used solely for"

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 16, line 7, after the word "last" and before the word "census" insert the words "federal decennial"

AMENDMENT No. 2—

On page 16, at the end of line 7, after the word "census" insert a comma "," and add the following:
"or such other census as may be provided for by law,"

On motion of Delegate Gravel the amendments were adopted.

Delegate Gravel moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 31 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Cannon	Elkins
Abraham	Carmouche	Fayard
Aertker	Casey	Flory
Alario	Champagne	Fontenot
Anzalone	Chatelain	Fowler
Arnette	Comar	Fulco
Asseff	Conino	Gauthier
Avant	Conroy	Giarrusso
Badeaux	Corne	Ginn
Bergeron	Cowen	Graham
Blair	D'Gerolamo	Gravel
Brien	Dennery	Grier
Brown	Derbes	Guarisco
Burns	Dunlap	Hayes
Burson	Duval	Haynes

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Heine	Morris	Stovall
Hernandez	Newton	Sutherland
Jackson, A.	Nunez	Tapper
Juneau	Perez	Tate
Kelly	Planchard	Thompson
Kilbourne	Pugh	Tobias
Kilpatrick	Rachal	Toca
Lambert	Rayburn	Toomy
Landrum	Reeves	Uilo
Landry, A.	Riecke	Velazquez
Landry, E. J.	Roemer	Vesich
Lanier	Sandoz	Wall
LeBleu	Schmitt	Wattigny
Leigh	Segura	Willis
Leithman	Shannon	Winchester
Lowe	Singletary	Wisham
McDaniel	Slay	Womack
Maybuce	Soniati	Zervigon
Miller	Stagg	
Mire	Stephenson	

Total—103.

NAYS

Delegates—
Jenkins
Total—2.

O'Neill

NOT VOTING

Delegates—	Goldman	Perkins
Alexander	Hardee	Roy
Bel	Jack	Smith
Bollinger	Jackson, J.	Stinson
Chehardy	Kean	Thistlethwaite
De Blieux	Martin	Vick
Dennis	Mauberret	Warren
Deshotels	Munson	Weiss
Drew	Ourso	
Edwards		

Total—26.

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table

Section 32. Municipal Tax Limits; Increase

Section 32. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be dedicated to the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 16, line 32, immediately after the word "be" and

before the words "the purpose" delete the words "dedicated to" and insert in lieu thereof the words "used solely for"

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 32, was read as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fowler	Planchard
Mr. Chairman	Fulco	Pugh
Abraham	Aertker	Rachal
Alario	Giarrusso	Rayburn
Anzalone	Ginn	Reeves
Arnette	Graham	Riecke
Asseff	Gravel	Roemer
Avant	Grier	Sandoz
Badeaux	Guarisco	Schmitt
Bergeron	Hardee	Segura
Blair	Hayes	Shannon
Bollinger	Haynes	Singletary
Brien	Heine	Slay
Brown	Hernandez	Soniati
Burns	Jackson, A.	Stagg
Burson	Kelly	Stephenson
Cannon	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Thompson
Comar	Landry, E. J.	Tobias
Conino	Lanier	Toca
Conroy	LeBleu	Toomy
Corne	Leigh	Uilo
Cowen	Leithman	Velazquez
D'Gerolamo	Lowe	Vesich
Dennery	McDaniel	Wall
Derbes	Maybuce	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Willis
Elkins	Morris	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Womack
Fontenot	Perez	Zervigon

Total—105.

NAYS

Delegates—
Jenkins
Total—2.

O'Neill

NOT VOTING

Delegates—	Goldman	Ourso
Alexander	Jack	Perkins
Bel	Jackson, J.	Roy
Chehardy	Juneau	Smith
De Blieux	Kean	Stinson
Dennis	Martin	Thistlethwaite
Deshotels	Mauberret	Vick
Drew	Munson	Weiss
Edwards		

Total—24.

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations

Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. Local governmental subdivisions may impose an occupational license tax in an amount greater

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than that imposed by the state when so authorized by an act passed by at least two-thirds vote of the elected membership of each house of the legislature.

Read.

Delegate Perez sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perez, Rayburn, Champagne, and Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 17, line 8, after the word and punctuation "state," and before the word "Local" insert the following:

"However, those who pay municipal occupational license taxes shall be exempt from parish occupational license taxes to the extent of the municipal tax."

On motion of Delegate Perez the amendment was adopted.

Delegate Perez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 33 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Fugh
Abraham	Gauthier	Rachal
Aertker	Giarrusso	Rayburn
Alario	Ginn	Reeves
Anzalone	Graham	Riecke
Arnette	Arnell	Roemer
Avant	Grier	Sandoz
Badeaux	Guarisco	Schmitt
Bergeron	Hardee	Segura
Blair	Hayes	Shannon
Bollinger	Haynes	Singletary
Brien	Heine	Slay
Brown	Hernandez	Soniat
Burns	Jackson, A.	Stagg
Burson	Kelly	Stephenson
Cannon	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Thompson
Comar	Landry, E. J.	Tobias
Conino	Lanier	Toca
Conroy	LeBleu	Toomy
Corne	Leigh	Ullio
Cowen	Leithman	Velazquez
D'Gerolamo	Lowe	Vesich
Dennery	McDaniel	Wall
Derbes	Maybuce	Warren
Dunlap	Miller	Wattigny
Duval	Mire	Willis
Elkins	Morris	Winchester
Fayard	Newton	Wisham
Flory	Nunez	Womack
Fontenot	Perez	Zervigon
Fowler	Planchard	

Total—104.

NAYS

Delegates—		
Asseff	Jenkins	O'Neill
Total—3.		

NOT VOTING

Delegates—		
Alexander	Goldman	Ourso
Bel	Jack	Perkins
Chehardy	Jackson, J.	Roy
De Blieux	Juneau	Smith
Dennis	Kean	Stinson
Deshotels	Martin	Thistlethwaite
Drew	Mauberret	Vick
Edwards	Munson	Weiss
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which he above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 34. Local Governmental Subdivisions; Sales Tax Authorized

Section 34. (A) Except as otherwise authorized in a home rule charter provided for in Sections 7 of this Article, local governmental subdivisions and school districts are authorized to levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, as defined by law. However, the rate thereof when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision shall not exceed three percent.

(B) No tax authorized in Paragraph (A) of this Section shall become effective until a proposition for the imposition thereof is submitted to the electors of the affected local governmental subdivision and approved by a majority of the electors who vote in the election held for that purpose.

Read.

Vice Chairman Casey in the Chair

Delegate Lanier sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Chatelain, and Kean to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 17, delete lines 13 through 32, both inclusive, in their entirety and on page 18, delete lines 1 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds

(A) Except as otherwise authorized in a home rule charter provided for in Section 7 of this Article, any local governmental subdivision or school board is authorized to levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, upon submission of a proposition for the imposition of such tax to the electors thereof and approval by a majority of the qualified electors who vote in an election held for that purpose. The rate thereof, when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent; however, the legislature, upon a two-thirds vote of both houses thereof, may by general or special law, authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, upon approval by the qualified electors thereof as herein provided. Nothing contained in this Section shall be construed to amend, repeal, or affect any special laws relative to the taxing powers of particular local governmental subdivisions, or school boards, any sales and use tax authorized or imposed on the effective date of this constitution or to affect or impair the security of any bonds payable from such tax.

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(B) The legislature shall have the authority by general law to exempt or exclude any goods or tangible personal property or services from sales and use taxes levied by local governmental subdivisions, which exemptions or exclusions shall also apply to state sales and use taxes. However, such exemptions or exclusions shall not be enacted in such a manner as to impair the security for any bonds outstanding at the time such exemptions or exclusions are enacted, or to reduce the tax base by which said outstanding bonds are secured."

Delegate Lanier moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Perez
Alario	Fulco	Planchard
Arnette	Gauthier	Roemer
Badeaux	Giarrusso	Schmitt
Bergeron	Grier	Shannon
Bollinger	Hardee	Stagg
Burson	Heine	Stephenson
Champagne	Jenkins	Sutherland
Chatelain	Juneau	Tate
Conino	Kilbourne	Thompson
Conroy	Landry, A.	Tobias
Corne	Landry, E. J.	Toca
Cowen	Lanier	Toomy
D'Gerolamo	Leigh	Ullo
Dennis	McDaniel	Willis
Elkins	Miller	
Fontenot	Mire	
Total—49.		

NAYS

Delegates—		
Aertker	Gravel	Reeves
Anzalone	Guarisco	Riecke
Asseff	Hayes	Sandoz
Avant	Haynes	Segura
Blair	Hernandez	Singletary
Brien	Jackson, A.	Slay
Brown	Kelly	Soniat
Burns	Kilpatrick	Stovall
Cannon	Landrum	Tapper
Carmouche	LeBleu	Velazquez
Casey	Lowe	Vesich
De Blieux	Maybuce	Wall
Dennery	Morris	Warren
Derbes	Newton	Wattigny
Dunlap	Nunez	Wichhester
Fayard	O'Neill	Wisham
Flory	Pugh	Zervigon
Graham	Rachal	
Total—53.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Perkins
Alexander	Jack	Rayburn
Bel	Jackson, J.	Roy
Chehardy	Kean	Smith
Comar	Lambert	Stinson
Deshotels	Leithman	Thistlethwaite
Drew	Martin	Vick
Duval	Maubertret	Weiss
Edwards	Munson	Womack
Ginn	Ourso	
Total—29.		

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which

the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 17, line 13, after the word "Subdivisions" and before the semi-colon ";," insert the following: "and School Boards"

AMENDMENT No. 2—

On page 17, at the end of line 17, delete the word "districts" and insert in lieu thereof the word "boards"

AMENDMENT No. 3—

On page 17, line 30, between the word "subdivision" and the word "and" insert the following: "or school district"

AMENDMENT No. 4—

On page 18, line 4, after the word "subdivision" and before the period "." add the following: "or school board"

AMENDMENT No. 5—

On page 18, line 9, after the word "subdivisions" and before the word "in" insert the following: "or school boards"

On motion of Delegate Burson the amendments were adopted.

Delegate Burson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate O'Neill sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate O'Neill to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 17, line 15, after "Section 34. (A)" delete the remainder of the line and delete line 16 in its entirety and at the beginning of line 17, delete "cle, local" and insert in lieu thereof the word "Local"

AMENDMENT No. 2—

On page 17, line 26, after the word "percent" delete the period "." and add the following: "or such other lesser percentage as may be provided in the home rule charter."

Delegate O'Neill moved the adoption of the amendments.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	De Blieux	Hayes
Asseff	Dunlap	Jenkins
Avant	Elkins	LeBleu
Blair	Fayard	Leigh
Brien	Flory	Lowe
Brown	Fulco	Maybuce
Carmouche	Graham	Newton
Champagne	Gravel	Rayburn
Cowen	Hardee	Reeves

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Roemer	Stephenson	Ullo
Shannon	Stovall	Warren
Singletary	Sutherland	Wisham
Slay	Thompson	

Total—38.

NAYS

Delegates—	Fowler	Perez
Abraham	Gauthier	Planchard
Alario	Giarrusso	Pugh
Anzalone	Grier	Rachal
Arnette	Guarisco	Sandoz
Badeaux	Haynes	Schmitt
Bergeron	Heine	Segura
Bollinger	Hernandez	Soniat
Burns	Jackson, A.	Stagg
Burson	Juneau	Tapper
Cannon	Kelly	Tate
Casey	Kilpatrick	Tobias
Chatelain	Landrum	Toca
Comar	Landry, A.	Toomy
Conino	Landry, E. J.	Velazquez
Conroy	Lanier	Vesich
Corne	Leithman	Wall
D'Gerolamo	McDaniel	Wattigny
Dennery	Miller	Willis
Dennis	Mire	Winchester
Derbes	Morris	Zervigon
Duval	Nunez	
Fontenot		

Total—65.

NOT VOTING

Delegates—	Jackson, J.	Perkins
Mr. Chairman	Kean	Riecke
Alexander	Kilbourne	Roy
Bel	Lambert	Smith
Chehardy	Martin	Stinson
Deshotels	Mauberret	Thistlethwaite
Drew	Munson	Vick
Edwards	O'Neill	Weiss
Ginn	Ourso	Womack
Goldman		
Jack		

Total—28.

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate O'Neill sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate O'Neill to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 18, line 7, after the word "legislature" delete the remainder of the line and insert in lieu thereof the following: "upon a two-thirds vote of the members of both houses, thereof, may by general or special law au—"

Delegate O'Neill moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Jenkins	Velazquez
Alario	Maybuce	Warren
Asseff	O'Neill	Wisham
De Blieux		
Flory		

Total—10.

NAYS

Delegates—

Abraham	Fowler	Perez
Aertker	Fulco	Perkins
Anzalone	Gauthier	Planchard
Arnette	Giarrusso	Pugh
Avant	Ginn	Rachal
Badeaux	Graham	Rayburn
Bergeron	Gravel	Reeves
Blair	Grier	Roemer
Bollinger	Guarisco	Sandoz
Brien	Hardee	Schmitt
Brown	Hayes	Segura
Burns	Haynes	Shannon
Burson	Heine	Singletary
Cannon	Hernandez	Slay
Carmouche	Jackson, A.	Soniat
Casey	Juneau	Stagg
Champagne	Kelly	Stephenson
Chatelain	Kilpatrick	Stovall
Comar	Landrum	Sutherland
Conino	Landry, A.	Tapper
Conroy	Landry, E. J.	Tate
Corne	Lanier	Thompson
Cowen	LeBleu	Tobias
D'Gerolamo	Leigh	Toca
Dennery	Leithman	Toomy
Dennis	Lowe	Ullo
Derbes	McDaniel	Vesich
Dunlap	Miller	Wall
Duval	Mire	Wattigny
Elkins	Morris	Willis
Fayard	Newton	Winchester
Fontenot	Nunez	Zervigon

Total—96.

NOT VOTING

Delegates—	Jackson, J.	Riecke
Mr. Chairman	Kean	Roy
Alexander	Kilbourne	Smith
Bel	Lambert	Stinson
Chehardy	Martin	Thistlethwaite
Deshotels	Mauberret	Vick
Drew	Munson	Weiss
Edwards	Ourso	Womack
Goldman		
Jack		

Total—25.

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez, the Convention altered the Order of Business to take up other Orders of Business at this time.

PROPOSALS

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 6, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 26—

Introduced by Delegate Rayburn, Chairman, on behalf of the Committee on Revenue, Finance and Taxation, and Delegates Alario, Brown, Chehardy, Edwards, Goldman, Mauberret, Mire, Nunez, Planchard, Slay, and Winchester:

A PROPOSAL

Making provisions for property taxation.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE XI. REVENUE AND FINANCE

Section 1. Assessment of Property; Classification; Asses-

sors; Right of Taxpayer; Exemptions from Ad Valorem Property Taxation

Section 1. (A) All property subject to ad valorem taxation shall be listed on the assessment rolls at its assessed valuation which shall be a percentage of its fair market value; such percentage of fair market value shall be uniform throughout the state upon the same class of property.

(B) The classifications of property subject to ad valorem taxation and the percentage of fair market value applicable to each such classification for the purpose of determining assessed valuation are as follows:

CLASSIFICATIONS:	PERCENTAGES:
1. All land -----	10%
2. Improvements for Residential Purposes -----	10%
3. All other property -----	15%

(C) Assessors shall determine the fair market value of all property subject to taxation within their respective parishes and districts except public service properties which shall be valued at fair market value by the Louisiana Tax Commission. Fair market value and use value of property shall be determined in accordance with criteria which shall be established by the legislature and which shall be uniformly applicable throughout the state.

(D) The correctness of assessments by the assessor shall be subject to review by the governing authority of the parish, then by the Louisiana Tax Commission, and finally by the courts in accordance with procedures established by law.

(E) Bona fide agricultural, horticultural, marsh lands, and timber lands, as defined by general law, will be assessed for the purpose of taxation at ten percent of use value rather than fair market value. The legislature may make similar provisions for buildings of historic architectural importance.

(F) Homesteads shall be exempt from ad valorem property taxation as follows:

From state, parish, and special taxes, the bona fide homestead, consisting of a tract of land, or two or more tracts of land with a residence on one tract and a field, pasture, or garden on the other tract or tracts, not exceeding one hundred sixty acres, buildings and appurtenances, whether rural or urban, owned and occupied by any person, in the full amount of three thousand dollars of the assessed valuation; however, by the favorable vote of two-thirds of the elected members of each house, the legislature may increase this exemption to an amount which shall not exceed the full amount of five thousand dollars of the assessed valuation. Veterans of the armed forces of the United States who have been honorably discharged or separated from such services or persons who served in said armed forces, as defined by general law, and persons sixty-five years or older shall be provided with a homestead exemption of five thousand dollars of the assessed valuation. No exemption shall extend to any municipal or city taxes except the following: (1) in Orleans Parish this exemption shall apply to the state, the general city, the school, the levee, and levee board taxes; and (2) to any municipal or city taxes levied for school purposes. The exemption of homesteads shall extend to the surviving spouse or minor child or children of a deceased owner and to the bona fide homestead when occupied as such and title thereto is in either husband or wife, but this exemption shall not be extended to more than one homestead owned by the husband or wife. Notwithstanding anything in this Constitution to the contrary, in order to provide equitable tax relief similar to that granted to homeowners through homestead property tax exemptions, the legislature may provide for tax relief to residential lessees in the form of credits or rebates.

(G) All property subject to taxation shall be reappraised and valued in accordance with the provisions of this Section at intervals of not more than four years.

(H) The provisions of this Section shall become effective commencing January 1 of the year following the end of three years after the effective date of this constitution, and until that date the provisions of the 1921 Constitution governing matters covered by this Section shall continue and be fully applicable, notwithstanding any contrary expiration date stated in any provision thereof with respect to the veterans homestead exemption.

Section 2. Rate of State Property Taxation; Limitation

Section 2. The rate of state taxation on property for all purposes shall not exceed, in any one year, five and three-quarter mills on the dollar of its assessed value.

Section 3. Other Property Exemptions

Section 3. In addition to the homestead exemption provided for in Section 1 of this Article, the following property shall be exempt from ad valorem taxation:

(A) All public lands; all other public property used for public purposes.

(C) That owned by nonprofit corporations or associations organized and operated exclusively for religious, dedicated places of burial, charitable, health, welfare, fraternal, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or member thereof and which is declared to be exempt from federal or state income tax; property of bona fide labor organizations representing their members or affiliates in collective bargaining efforts; organizations such as lodges and clubs organized for charitable and fraternal purposes and practicing the same, and properties of nonprofit corporations devoted to the promotion of trade, travel, and commerce, and trade, business, industry and professional societies or associations provided such property is owned by nonprofit corporations or associations organized under the laws of the state of Louisiana for such purposes; except property owned, operated, leased, or used for commercial purposes, unrelated to the exempt purposes of said corporation or association.

(D) Cash on hand or deposit, stocks and bonds, except bank stocks, the tax on which shall be paid by the banking institution; obligations secured by mortgage on property located in Louisiana and the notes or other evidence thereof; loans by life insurance companies to policyholders, if secured solely by their policies; the legal reserve of domestic life insurance companies; loans by homestead or building and loan associations to their members, if secured solely by stock of said associations; debts due for merchandise or other articles of commerce or for services rendered; obligations of the state or its political subdivisions; all personal property used in the home or on loan in a public place; agricultural products while owned by the producer, agricultural machinery and other implements used exclusively for agricultural purposes, and all animals on the farm, and property belonging to agricultural fair associations; all property used for cultural, Mardi Gras carnival or civic activities and not operate for profit to the owners; all ships and oceangoing tugs, towboats, and barges engaged in international trade and domiciled in Louisiana ports, but this exemption shall not apply to harbor, wharf, shed, and other port dues, and no vessel operated in the coastal trade of the continental United States shall be within the exemption herein granted; boats using gasoline as motor fuel; commercial vessels used for gathering seafood for human consumption; and rights-of-way granted to the State Department of Highways.

(E) From state, parish, and special taxes, all motor vehicles used on the public highways of this state, provided that this exemption shall not extend to any general or special tax levied by the governing authority of any municipality, or district created by any such municipality, unless the governing authority thereof shall provide for such exemption by ordinance or resolution.

(F) Notwithstanding any provision of this Section to the contrary, the legislature may authorize the State Board of Commerce and Industry, under such conditions and terms and with such approval as the legislature may specify, to provide for the exemption from property taxation of any new manufacturing establishment or an addition or additions to any manufacturing establishment already existing in the state.

No exemption granted under the authority of such laws as may be enacted pursuant to this Section shall extend for a longer initial period than five calendar years, or be renewable for an additional period in excess of five additional calendar years.

(G) (1) All raw materials, goods, commodities, and articles imported into this state from outside of the continental United States:

(a) So long as such imports remain upon the public property of the port authority or docks of any common carrier where such imports first entered this state; or

(b) So long as any such imports (other than minerals and ores of the same kind as any mined or produced in this state and manufactured articles) are held in this state in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages, and raw materials held in bulk as all or a part of the new material inventory

of manufacturers or processors, solely for manufacturing or processing; or

(c) So long as any such imports are held by an importer in any public or private storage in the original form in bales, sacks, barrels, boxes, cartons, containers, or other original packages and agricultural products in bulk. This shall not apply to a retail merchant holding such imports as part of his stock-in-trade for sale at retail.

(2) All raw materials goods, commodities, and other articles being held upon the public property of a port authority or docks of any common carrier or in a warehouse, grain elevator, dock, wharf, or public storage facility in this state for export to a point outside the continental United States.

(3) All goods, commodities, and personal property in public or private storage while in transit through this state which is (a) moving in interstate commerce through or over the territory of the State of Louisiana; or (b) which is in public or private storage within the State of Louisiana having been shipped thereto from outside of the State of Louisiana for storage in transit to a final destination outside of the State of Louisiana, whether such destination was specified when transportation begins or afterward.

All such property described in this Paragraph (G) whether entitled to exemption or not shall be reported to the proper taxing authority on the forms required by law.

(H) No additional property may be exempted from taxation.

Section 4. No Impairment of Existing Taxes or Obligations

Section 4. The provisions of this Article in no way shall be construed or applied in such a manner as to: (a) invalidate taxes authorized and imposed prior to the adoption of this constitution; or (b) impair the obligations, validity, or security of any bonds or other debt obligations authorized prior to the adoption of this constitution.

Section 5. Adjustment of Ad Valorem Tax Millages

Section 5. Prior to the end of the third year after the effective date of the constitution, the assessors and the Louisiana Tax Commission shall have determined the fair market value or use value of all property subject to taxation within the respective parishes to be used for the purpose of implementing the provisions of this Article. Except as hereinafter provided in this Paragraph, the total amount of ad valorem taxes collected by any taxing authority in the year in which the provisions of this Article are implemented shall not be increased or decreased because of the provisions of this Article above or below ad valorem taxes collected by such taxing authority in the year immediately preceding the year in which the provisions of this Article are implemented. To accomplish this result, it shall be the mandatory duty of each affected taxing authority, in the year in which the provisions of this Article are implemented, to adjust millages upwards or downwards, without regard to millage limitations contained in this constitution; however, whenever at the time the adjustment is made the millage actually levied by a taxing authority is less than or equal to the maximum authorized to be levied, the maximum millage so authorized shall be increased or decreased, without further voter approval, in proportion to the amount of the adjustment upward or downward. Such millages shall thereafter remain in effect subject to such changes as may be permitted by this constitution. Nothing provided herein shall be construed to prohibit any taxing authority from collecting, in the year in which the provisions of this Article are implemented or in any subsequent year, a larger dollar amount of ad valorem taxes by means of the following: (a) by levying additional or increased millages as provided by law; (b) by placing additional property on the tax rolls; or (c) by reason of increases in the fair market value or use value of property after the first determination of such value on the basis of which the provisions of this Article are to be implemented. The provisions of this Section shall not apply to millages required to be levied for the payment of general obligation bonds.

Section 6. Revenue Sharing Fund; Distribution; Pledge of Proceeds

Section 6. (A) A special fund is created in the state treasury to be known as the Revenue Sharing Fund.

(B) There is hereby allocated annually from the State General Fund to the Revenue Sharing Fund the sum of

ninety million dollars. The legislature may appropriate additional sums to the Revenue Sharing Fund.

(C) The Revenue Sharing Fund shall be distributed annually as provided by the legislature solely on the basis of population and number of homesteads in each parish in proportion to population and the number of homesteads throughout the state. Unless the legislature provides otherwise, population statistics of the last federal decennial census shall be utilized for this purpose.

(D) The funds distributed to each parish as provided in Paragraph (C) shall be distributed in Orleans Parish by the city treasurer of the city of New Orleans and in all other parishes by the parish tax collector. The funds allocated to the Monroe City School Board, or its successor, shall be distributed to and by the city treasurer of the city of Monroe. After deductions, in each parish, for retirement systems and commissions as authorized by law, the remaining funds, to the extent available, by first priority shall be distributed to the tax recipient bodies, as defined by law, within the parish to offset current losses because of homestead exemptions granted in this Article. Any balance thereafter remaining in any parish distribution shall be allocated to the municipalities and tax recipient bodies within each parish in accordance with law.

(E) Any political subdivision, as defined by Article VI of this constitution, may incur debt by the issuance of negotiable bonds, and may pledge for the payment of all or part of the principal and interest of such bonds the proceeds derived or to be derived from that portion of the funds received by it from the Revenue Sharing Fund, as provided in Paragraph (D) of this Section, to offset current losses caused by homestead exemptions granted by this Article. Unless otherwise provided by the legislature, no portion of any moneys allocated within any parish out of any balance remaining in any parish distribution, as provided in Paragraph (D) hereof, may be pledged to the payment of the principal or interest of any bonds. These bonds shall be issued and sold as provided by law, and shall require the approval of the State Bond Commission, or its successor, prior to issuance and sale.

Section 8. Tax Assessor

Section 8. (A) There shall be a tax assessor elected by the qualified electors of each parish in the state, parish of Orleans excepted. His term of office shall be four years and the legislature shall define his duties, fix his compensation, and provide for his election.

(B) There shall be seven assessors in the city of New Orleans, who together shall compose the Board of Assessors for the parish of Orleans. One shall be elected from each municipal district of the city of New Orleans, and they shall be residents of the districts from which they are elected. Their terms shall be four years and they shall be elected at the same time as the municipal officers of the city of New Orleans.

(C) When a vacancy occurs in the office of tax assessor the duties of the office, until it is filled by election as provided by law, shall be assumed by the chief deputy assessor, except in the parish of Orleans, where the Board of Assessors for the parish of Orleans shall appoint the interim assessor.

Section 9. Tax Sales; Redemption of Property

Section 9. There shall be no forfeiture of property for the nonpayment of taxes, but at the expiration of the year in which said taxes are due, the collector shall, without suit, and after giving notice to the delinquent in the manner provided by law, advertise for sale in the official journal of the parish or municipality, provided there be an official journal in such parish or municipality; or, if not, then, as is now or may be provided by law for sheriff's sales, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of taxes, interest and costs. The sale shall be without appraisal and the property sold shall be redeemable at any time during three years from date of recordation of the tax sale, by paying the price given, including costs and five per cent penalty thereon, with interest at the rate of one per cent per month until redeemed. No judgment annulling a tax sale shall have effect until the price and all taxes and costs are paid, with ten percent per annum interest on the amount of the price and taxes paid from date of respective

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payments, be previously paid to the purchaser; provided, this shall not apply to sales annulled on account of taxes having been paid prior to the date of sale, all deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as prima facie valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption shall have expired and within five years from the date of the recordation of the tax deed, if no notice is given. The fact that taxes were paid on a part of the property sold, prior to the sale thereof, of that part thereof was not subject to taxation, shall not be cause for annulling the sale as to any part thereof on which the taxes for which it was sold were due and unpaid.

The manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisalment, after ten days advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquents to deliver up for sale property in his possession or under his control.

The legislature shall be authorized to postpone the payment of taxes, only in cases of overflow, general conflagration, general destruction of crops, or other public calamity, and may provide for the levying, assessing and collecting such postponed taxes under appropriate terms and conditions. In such cases the legislature may authorize the bor-

rowing of money by the state on its faith and credit, by bond issue or otherwise, and levy taxes, or apply taxes already levied and not appropriated, to secure payment thereof, in order to create a fund from which loans may be made through the State Board of Liquidation to the governing authority of the parish where the calamity befalls, to be applied to and not to exceed the deficiency and revenue of the parish or any political subdivision therein, or of which the parish is a part, caused by postponement of taxes. No loans shall be made to the governing authority of any parish without the approval of the State Board of Liquidation.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

Leaves of Absence

Delegate Chehardy—½ day.
Delegate Roy—3 days.
Delegate Smith—3 days.
Delegate Jack—½ day.
Delegate Stinson—½ day.
Delegate Kean—1½ day.
Delegate Goldman—½ day.

Adjournment

Delegate Stagg moved that the Convention do now adjourn until Wednesday, November 7, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, November 7, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973**

**OF THE
STATE OF LOUISIANA**

EIGHTIETH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, November 7, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Ourso
Abraham	Fulco	Perez
Aertker	Gauthier	Perkins
Alario	Giarrusso	Planchard
Anzalone	Ginn	Pugh
Arnette	Goldman	Rachal
Asseff	Graham	Rayburn
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bergeron	Guarisco	Roemer
Blair	Hardee	Roy
Bollinger	Hayes	Sandoz
Brien	Haynes	Schmitt
Brown	Heine	Segura
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Cannon	Jackson, A.	Soniat
Carmouche	Jackson, J.	Stagg
Casey	Jenkins	Stephenson
Champagne	Juneau	Stinson
Chatelain	Kelly	Stovall
Chehardy	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Conino	Lambert	Tate
Conroy	Landrum	Thompson
Corne	Landry, A.	Tobias
Cowen	Landry, E. J.	Toca
D'Gerolamo	Lanier	Toomy
De Blieux	LeBleu	Ullo
Dennerly	Leigh	Velazquez
Dennis	Leithman	Vesich
Derbes	Lowe	Vick
Deshotels	McDaniel	Wall
Drew	Martin	Warren
Dunlap	Mauberret	Wattigny
Duval	Maybuce	Willis
Edwards	Mire	Winchester
Elkins	Morris	Wisham
Fayard	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	O'Neill	
Total—122.		

ABSENT

Delegates—		
Alexander	Miller	Smith
Bel	Munson	Thistlethwaite
Kean	Slay	Weiss
Total—9.		

The Chairman announced that there were 122 members
present and a quorum.

Prayer

Prayer was offered by Delegate Heine.

Pledge of Allegiance

Delegate Rachal led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Newton, the reading of the Journal
was dispensed with.

On motion of Delegate Newton, the Journal of yesterday
was adopted.

Regular Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday
was taken up and acted on:

Proposals

Delegate and Committee

The following entitled Delegate and Committee Proposals
were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the
Committee on Local and Parochial Government, and Dele-
gates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler,
Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves,
Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial govern-
ment, levee districts, and ports, the financing thereof, and
necessary provisions with respect thereto.

Read.

**Section 34. Local Governmental Subdivisions; Sales Tax
Authorized**

Section 34. (A) Except as otherwise authorized in a home
rule charter provided for in Sections 7 of this Article, local
governmental subdivisions and school districts are authorized
to levy and collect a tax upon the sale at retail, the use,
the lease or rental, the consumption and storage for use or
consumption of tangible personal property, and on sales of
services, as defined by law. However, the rate thereof when
combined with the rate of all other presently imposed or
future sales and use taxes, exclusive of state sales and use
taxes, levied and collected within any local governmental
subdivision shall not exceed three percent.

(B) No tax authorized in Paragraph (A) of this Section
shall become effective until a proposition for the imposition
thereof is submitted to the electors of the affected local gov-
ernmental subdivision and approved by a majority of the
electors who vote in the election held for that purpose.

(C) The legislature shall have the authority by general
law to exempt or exclude any goods or tangible personal
property or services from any sales and use tax levied by a
local governmental subdivision. However, such exemptions
or exclusions shall also apply to state sales and use taxes.

(D) The legislature by general or special law may au-
thorize the imposition of additional sales and use taxes by
local governmental subdivisions in excess of that provided
in paragraph (A) of this Section, provided that such taxes
are approved by the electors of the local governmental sub-
division as provided in paragraph (B) of this Section.

(E) Nothing contained in this Section shall be construed
to repeal or affect any sales and use tax authorized or im-
posed by any municipality, parish, or school board as pro-
vided by law or a home rule charter or plan of government
on the effective date of this constitution.

Read.

The chairman announced that the Convention had under
consideration Committee Proposal No. 17, Section 34, when
it adjourned on Tuesday, November 6, 1973, which was taken
up and acted upon as follows:

Delegate Lanier sent up a floor amendment, which was
read as follows:

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FLOOR AMENDMENT

Amendment proposed by Delegates Lanier, Chatelain, Pugh, A. Landry, Juneau, Bollinger, Carmouche, Conino, Riecke, E. Landry, Wattigny, Corne and Zervigon to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 17, delete lines 13 through 32, both inclusive, in their entirety and on page 18, delete lines 1 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds

(A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors who vote in an election held for that purpose. The rate thereof, when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent; however, the legislature may by general or special law, authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, upon approval by the electors thereof as herein provided. Nothing contained in this Subsection shall be construed to affect any sales or use tax authorized or imposed on the effective date of this constitution or to affect or impair the security of any bonds payable from such tax.

(B) Except where bonds in connection therewith have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Delegate Lanier moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 80 yeas and 19 nays the amendment was adopted.

Delegate Lanier moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 34 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Chehardy	Goldman
Abraham	Comar	Graham
Aertker	Conino	Gravel
Alario	Corne	Grier
Badeaux	Cowen	Hardee
Bergeron	D'Gerolamo	Hayes
Blair	Dennery	Haynes
Bollinger	Dennis	Heine
Brien	Derbes	Hernandez
Brown	Drew	Jack
Burns	Duval	Jackson, A.
Cannon	Elkins	Juneau
Carmouche	Fowler	Kilbourne
Casey	Fulco	Lambert
Champagne	Gauthier	Landrum
Chatelain	Giarrusso	Landry, A.

Landry, E. J.	Planchard	Thompson
Lanier	Pugh	Tobias
LeBleu	Rachal	Toca
Leigh	Rayburn	Toomy
Leithman	Reeves	Ullo
Lowe	Riecke	Velazquez
McDaniel	Schmitt	Vesich
Martin	Soniat	Vick
Morris	Stagg	Wattigny
Newton	Stephenson	Willis
Nunez	Stovall	Winchester
Perez,	Sutherland	Womack
Perkins	Tate	Zervigon
Total—87.		

NAYS

Delegates—		
Asseff	Flory	Roemer
Avant	Jackson, J.	Singleary
Conroy	Jenkins	Warren
De Blieux	Kelly	
Total—11.		

NOT VOTING

Delegates—		
Alexander	Guarisco	Sandoz
Anzalone	Kean	Segura
Arnette	Kilpatrick	Shannon
Bel	Mauberret	Slay
Burson	Maybuce	Smith
Deshotels	Miller	Stinson
Dunlap	Mire	Tapper
Edwards	Munson	Thistlethwaite
Fayard	O'Neill	Wall
Fontenot	Ourso	Weiss
Ginn	Roy	Wisham
Total—33.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 35. Political Subdivisions; Taxing Power; Limitations

Section 35. Political subdivisions may exercise the power of taxation, subject to such limitations as may be elsewhere provided in the constitution, under authority granted to them by the legislature for parish, municipal, and local purposes, strictly public in their nature. The provisions of this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Read.

Passage

Committee Proposal No. 17, Section 35 was read.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Comar	Giarrusso
Abraham	Conino	Ginn
Aertker	Conroy	Goldman
Alario	Corne	Graham
Asseff	Cowen	Gravel
Avant	D'Gerolamo	Grier
Badeaux	De Blieux	Hardee
Bergeron	Dennery	Hayes
Blair	Dennis	Haynes
Bollinger	Derbes	Heine
Brien	Drew	Hernandez
Brown	Duval	Jack
Burns	Elkins	Jackson, A.
Cannon	Flory	Jackson, J.
Carmouche	Fontenot	Juneau
Casey	Fowler	Kelly
Champagne	Fulco	Kilpatrick
Chatelain	Gauthier	Lambert

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Landrum	Perkins	Thompson
Landry, A.	Planchard	Tobias
Landry, E. J.	Rachal	Toca
Lanier	Rayburn	Toomy
LeBleu	Reeves	Ullo
Leigh	Riecke	Velazquez
Leithman	Roemer	Vesich
Lowe	Schmitt	Vick
McDaniel	Segura	Wall
Martin	Shannon	Warren
Mauberet	Soniat	Wattigny
Maybuce	Stagg	Willis
Morris	Stephenson	Winchester
Newton	Stovall	Wisham
Nunez	Sutherland	Womack
Perez	Tate	Zervigon

Total—102.

NAYS

Delegates—	Singletary	Stinson
Jenkins		
Kilbourne		
Total—4.		

NOT VOTING

Delegates—	Fayard	Roy
Alexander	Guarisco	Sandoz
Anzalone	Kean	Slay
Arnette	Miller	Smith
Bel	Mire	Tapper
Burson	Munson	Thistlethwaite
Chehardy	O'Neill	Weiss
Deshotels	Ourso	
Dunlap	Pugh	
Edwards		
Total—25.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 36. Special Taxes; Ratified

Section 36. (A) Any special tax being levied by any political subdivision under prior laws or under the 1921 Louisiana Constitution, as amended, when this constitution is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors who vote in an election held for that purpose.

Read.

Delegate Toomy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toomy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 19, line 5, after the word "electors" and before the word "who" insert the words "in the political subdivision"

On motion of Delegate Toomy, the amendment was adopted.

Delegate Toomy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 36 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Planchard
Aertker	Goldman	Pugh
Alario	Graham	Rachal
Asseff	Gravel	Rayburn
Avant	Grier	Reeves
Badeaux	Hardee	Riecke
Bergeron	Hayes	Roemer
Blair	Haynes	Schmitt
Bollinger	Heine	Segura
Brien	Hernandez	Shannon
Brown	Jack	Singletary
Burns	Jackson, A.	Soniat
Burson	Jackson, J.	Stagg
Cannon	Kelly	Stephenson
Carmouche	Kilbourne	Stinson
Casey	Kilpatrick	Sutherland
Champagne	Lambert	Tate
Chatelain	Landrum	Thompson
Chehardy	Landry, A.	Tobias
Comar	Landry, E. J.	Toca
Conino	Lanier	Toomy
Conroy	LeBleu	Ullo
Corne	Leigh	Velazquez
Cowen	Leithman	Vesich
D'Gerolamo	Lowe	Vick
De Blieux	McDaniel	Wall
Dennerly	Martin	Warren
Derbes	Mauberet	Wattigny
Drew	Maybuce	Willis
Duval	Mire	Winchester
Elkins	Morris	Wisham
Fontenot	Newton	Womack
Fowler	Nunez	Zervigon
Fulco		
Total—105.		

NAYS

Delegates—	Jenkins	O'Neill
Flory		
Total—3.		

NOT VOTING

Delegates—	Fayard	Sandoz
Alexander	Guarisco	Slay
Anzalone	Juneau	Smith
Arnette	Kean	Stovall
Bel	Miller	Tapper
Dennis	Munson	Thistlethwaite
Deshotels	Ourso	Weiss
Dunlap	Roy	
Edwards		
Total—23.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 37. Political Subdivisions; Exclusive Authority to Levy and Collect Ad Valorem Taxes

Section 37. Notwithstanding any provision contained in this constitution to the contrary, the power of taxation shall not be exercised by the legislature to levy an ad valorem tax upon any property in the state, and such power shall be exclusively vested in political subdivisions to be exercised as provided in this constitution.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Conroy, Mire, Roemer, Rayburn, Lowe, Newton, Martin, Winchester, Planchard, De Blieux, Goldman, Badeaux, Alario, Slay, Brown, J. Smith,

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and Edwards to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 19, delete lines 7 through 14, both inclusive, in their entirety

Delegate Conroy moved the adoption of the amendment.

Delegate Asseff objected.

By a vote of 98 yeas and 9 nays the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 38. Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Read.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Asseff
Avant
Badeaux
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Drew
Duval
Elkins
Flory
Fontenot
Fowler

Fulco
Gauthier
Giarrusso
Goldman
Graham
Gravel
Grier
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jenkins
Juneau
Kelly
Kilbourne
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lowe
McDaniel
Martin
Maubert
Maybuce
Mire
Morris
Newton
Nunez
O'Neill

Perez
Perkins
Planchard
Pugh
Rachal
Rayburn
Reeves
Riecke
Roemer
Schmitt
Segura
Shannon
Singletary
Soniati
Stagg
Stephenson
Stinson
Sutherland
Tate
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Willis
Winchester
Wisham
Womack
Zervigon

Total—107.

NAYS

Total—0.

NOT VOTING

Delegates—

Alexander
Anzalone
Arnette
Bel
Deshotels
Dunlap
Edwards
Fayard

Ginn
Guarisco
Jackson, J.
Kean
Lambert
Miller
Munson
Ourso

Roy
Sandoz
Slay
Smith
Stovall
Tapper
Thistlethwaite
Weiss

Total—24.

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 39. Taxpayer Authorization of Political Subdivision Bonds

Section 39. Subject to the approval of the State Bond Commission or any successor thereto, general obligation bonds may be issued only after authorization by a vote of a majority of the electors who vote on the proposition at an election in the political subdivision issuing such bonds. Refunding bonds, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, at the end of line 1, delete the partial word "Re-" and at the beginning of line 2, delete the words "funding bonds" and insert in lieu thereof the following: "Bonds to refund outstanding indebtedness at a lower effective rate of interest"

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, at the end of line 1, delete the partial word "Re-" and at the beginning of line 2, delete the words "funding bonds" and insert in lieu thereof the following: "Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest"

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 39 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fulco	Planchard
Abraham	Gauthier	Pugh
Aertker	Giarrusso	Rachal
Alario	Goldman	Rayburn
Asseff	Graham	Reeves
Avant	Gravel	Riecke
Badeaux	Grier	Roemer
Bergeron	Hardee	Sandoz
Blair	Hayes	Schmitt
Bollinger	Haynes	Segura
Brien	Heine	Shannon
Burns	Hernandez	Singletary
Burson	Jack	Soniat
Cannon	Jackson, A.	Stagg
Carmouche	Juneau	Stephenson
Casey	Kilbourne	Stovall
Champagne	Kilpatrick	Sutherland
Chatelain	Lambert	Tate
Chehardy	Landrum	Thompson
Comar	Landry, A.	Tobias
Conino	Landry, E. J.	Toca
Conroy	Lanier	Toomy
Corne	LeBleu	Ullo
Cowen	Leigh	Velazquez
D'Gerolamo	Leithman	Vesich
De Blieux	Lowe	Vick
Dennery	McDaniel	Wall
Dennis	Martin	Warren
Derbes	Maubertret	Wattigny
Drew	Maybuce	Willis
Dunlap	Mire	Winchester
Duval	Morris	Wisham
Elkins	Newton	Womack
Flory	Nunez	Zervigon
Fontenot	Perez	
Fowler	Perkins	
Total—106.		

NAYS

Delegates—		
Brown	Kelly	Stinson
Jenkins	O'Neill	
Total—5.		

NOT VOTING

Delegates—		
Alexander	Ginn	Roy
Anzalone	Guarisco	Slay
Arnette	Jackson, J.	Smith
Bel	Kean	Tapper
Deshotels	Miller	Thistlethwaite
Edwards	Munson	Weiss
Fayard	Ourso	
Total—20.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and

(2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Read.

On motion of Delegate Perez action on the above Section was deferred at this time.

Vice Chairman Casey in the Chair

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligation, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Read.

On motion of Delegate Perez action was deferred on the above Section at this time.

Section 42. Local Improvement Assessments

Section 42. (A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) The governing authority of the political subdivision issuing certificates of indebtedness payable from sources other than ad valorem taxes, and pledging its full faith and

credit to the prompt payment of the principal and interest thereof, shall levy or cause to be levied on all taxable property in the political subdivision ad valorem taxes, without limitation as to rate or amount, fully sufficient to make up any deficit in the other sources of revenue pledged to the payment of the certificates.

Read.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 22, delete line 32, and on page 23, delete lines 1 through 8, both inclusive, in their entirety

On motion of Delegate Conroy the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Burson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 22 between lines 31 and 32 insert the following: "(C) The provisions of this Section shall not apply to school boards."

On motion of Delegate Burson the amendment was adopted.

Delegate Burson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section No. 42 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Corne	Hayes
Aertker	Cowen	Haynes
Alario	D'Gerolamo	Heine
Arnette	De Blieux	Hernandez
Asseff	Dennery	Jackson, A.
Avant	Dennis	Juneau
Badeaux	Derbes	Kelly
Bergeron	Drew	Kibbourne
Blair	Dunlap	Kilpatrick
Bollinger	Duval	Lambert
Brien	Elkins	Landrum
Brown	Flory	Lanrry, A.
Burns	Fontenot	Landry, E. J.
Burson	Fowler	Lanier
Cannon	Fulco	LeBleu
Carmouche	Gauthier	Leithman
Casey	Giarrusso	Lowe
Champagne	Goldman	McDaniel
Chatelain	Graham	Martin
Chehardy	Gravel	Mauberret
Comar	Grier	Maybuce
Conino	Guarisco	Mire
Conroy	Hardee	Morris

Newton	Segura	Ullo
Nunez	Shannon	Velazquez
Perez	Singletary	Vesich
Perkins	Soniat	Vick
Planchard	Stagg	Wall
Pugh	Stephenson	Warren
Rachal	Sutherland	Wattigny
Reeves	Tate	Willis
Riecke	Thompson	Winchester
Roemer	Tobias	Wisham
Sandoz	Toca	Zervigon
Schmitt	Toomy	

Total—104.

Delegate Stinson
Total—1.

NAYS

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Anzalone
Bel
Deshotels
Edwards
Fayard
Ginn
Jack

Jackson, J.
Jenkins
Kean
Leigh
Miller
Munson
O'Neill
Ourso
Rayburn

Roy
Slay
Smith
Stovall
Tapper
Thistlethwaite
Weiss
Womack

Total—26.

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 43. Revenue-Producing Property

Section 43. The legislature may authorize political subdivisions to issue bonds or other debt obligations for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility and shall not be a charge upon the other income and revenues of the political subdivision.

Read.

Delegate Burson sent up floor amendments, which were read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Burson to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 10, after "Section 43." and before the word "The" insert "(A)"

AMENDMENT No. 2—

On page 23, between lines 18 and 19, insert the following: "(B) The provisions of this Section shall not apply to school boards."

On motion of Delegate Burson the amendments were adopted.

Deletage Burson moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 43 was read.

Delegate Toomy moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker

Alario
Arnette

Asseff
Avant

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Badeaux	Graham	Pugh
Bergeron	Gravel	Rachal
Blair	Grier	Reeves
Bollinger	Guarisco	Riecke
Brien	Hardee	Roemer
Burns	Hayes	Sandoz
Burson	Haynes	Schmitt
Cannon	Heine	Segura
Carmouche	Hernandez	Shannon
Casey	Jackson, A.	Singletary
Champagne	Juneau	Soniart
Chatelain	Kelly	Stagg
Chehardy	Kilbourne	Stephenson
Conino	Kilpatrick	Stinson
Conroy	Lambert	Stovall
Corne	Landrum	Sutherland
Cowen	Landry, A.	Tapper
D'Gerolamo	Landry, E. J.	Tate
De Blieux	Lanier	Thompson
Dennery	LeBleu	Tobias
Dennis	Leigh	Toca
Derbes	Lowe	Toomy
Drew	McDaniel	Ullo
Dunlap	Martin	Velazquez
Duval	Maubert	Vesich
Elkins	Maybuce	Vick
Flory	Mire	Wall
Fontenot	Morris	Warren
Fowler	Newton	Wattigny
Fulco	Nunez	Willis
Gauthier	Perez	Winchetser
Giarrusso	Perkins	Wisham
Goldman	Planchard	Zervigon
Total—105.		

NAYS

Total—0.

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Ourso
Alexander	Jack	Rayburn
Anzalone	Jackson, J.	Roy
Bel	Jenkins	Slay
Brown	Kean	Smith
Comar	Leithman	Thistlethwaite
Deshotels	Miller	Weiss
Edwards	Munson	Womack
Fayard	O'Neill	
Total—26.		

And the Chair declared that the above Section was finally passed.

Motion

On motion of Delegate Perez Committee Proposal No. 17, Section 41, upon which action was deferred on November 7, 1973, was taken up out of its regular order and acted upon as follows:

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligation, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

ance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligation, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Read.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 21, delete lines 21 through 32, both inclusive, in their entirety and on page 22, delete lines 1 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"tax authorized, for any cause, except for violation of rights guaranteed by this constitution, for which cause the period shall be one year, after which periods no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days or one year, as herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of sixty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds, except for violation of rights guaranteed by this constitution, for which cause the period shall be one year. After these periods of time no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligation, and provisions thereof for any cause whatever; and after these periods of time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of said periods of time."

Delegate Avant moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 10 yeas and 98 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Leigh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Leigh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 22, line 8, after the word "resolution" delete the comma "," and the remainder of the line in its entirety and on line 9, at the beginning of the line, delete the word and punctuation "thereby,"

AMENDMENT No. 2—

On page 22, line 13, at the beginning of the line, delete the words and punctuation "bonds, or other debt obligation,"

On motion of Delegate Leigh the amendments were adopted.

Delegate Leigh moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 17, Section 41 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham
Alario
Arnette
Asseff
Badeaux
Bergeron
Blair
Bollinger
Brien
Burns
Burson
Cannon
Carmouche
Casey
Champagen
Chatelain
Chehardy
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennerly
Derbes
Drew
Dunlap
Duval
Elkins
Fayard
Fontenot
Fowler
Fulco
Gauthier
Total—104.

Giarrusso
Goldman
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jackson, A.
Juneau
Kilbourne
Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
Lowe
McDaniel
Martin
Mauberret
Maybuce
Mire
Morris
Newton
Nunez
Perez
Perkins
Planchard
Pugh

Rachal
Rayburn
Reeves
Riecke
Roemer
Sandoz
Schmitt
Segura
Shannon
Singletary
Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Tate
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegates—

Avant
Flory
Total—4.

Kelly

O'Neill

NOT VOTING

Delegates—
Mr. Chairman
Aertker

Alexander
Anzalone

Bel
Brown

Dennis
Deshotels
Edwards
Ginn
Jack
Jackson, J.
Total—23.

Jenkins
Kean
Landrum
Miller
Munson
Ourso

Roy
Slay
Smith
Thistlethwaite
Weiss

And the Chair declared that the above Section was finally passed.

Motion

On motion of Delegate Perez Committee Proposal No. 17, Section 40, upon which action was deferred on November 7, 1973, was taken up and acted upon as follows:

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and (2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Read.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer, Lanier, Kelly and Lowe to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, delete lines 13 through 32, both inclusive, in their entirety and on page 21, delete lines 1 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 40. (A) General Obligation bonds may be issued by any political subdivision for all purposes which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the fair market value or use value as applicable to property within the taxing district.

(B) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house."

On motion of Delegate Roemer the amendment was withdrawn.

Motion

Delegate Perez moved that the Convention resolve itself into a Committee of the Whole for a period not to exceed a period of 30 minutes in order to hear testimony from Mr. Fred Benton, Jr.

Delegate Rayburn objected.

By a vote of 73 yeas and 26 nays, the Convention resolved itself into a Committee of the Whole for a period not to exceed 30 minutes for the purpose of hearing testimony from Mr. Fred Benton, Jr.

Vice-Chairman Roy in the Chair

The Committee Rose.

Convention Business Resumed

Chairman Henry in the Chair

Delegate Morris sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Morris and Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 21, line 7, immediately after the word "law" insert a period "." and delete the remainder of the line and delete line 8 in its entirety

Delegate Morris moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 62 yeas and 39 nays the amendment was adopted.

Delegate Morris moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Pugh sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Pugh and Abraham to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, at the end of line 18, after the words "of the" delete the word "total" and delete lines 19 and 20 in their entirety and at the beginning of line 21, delete the partial word and punctuation "steads," and insert in lieu thereof the following:

"assessed valuation of all property within such subdivision,"

AMENDMENT No. 2—

On page 20, line 25, after the words "of the" delete the remainder of the line and delete line 26 in its entirety and insert in lieu thereof the following:

"assessed valuation of all property within such district; and"

AMENDMENT No. 3—

On page 20, at the end of line 28, delete the words "total value" and delete lines 29 and 30 in their entirety and insert in lieu thereof the following:

"assessed valuation of all property within the political subdivision."

Delegate Abraham moved the adoption of the amendments.

Delegate Asseff objected.

By a vote of 65 yeas and 32 nays the amendments were adopted.

Delegate Abraham moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Leigh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leigh to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, line 14, immediately after the word "purpose" insert a period "." and delete the word "which" and delete lines 15, 16 and 17 in their entirety and insert in lieu thereof the following:

"The aggregate of all indebtedness of such political subdivisions, incurred for such purpose and evidenced by bonds payable solely from ad valorem taxes levied without limitation as to rate or amount,"

On motion of Delegate Leigh the amendment was adopted.

Delegate Leigh moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Schmitt sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment posed by Delegate Schmitt to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, delete lines 11 through 32, both inclusive, in their entirety and on page 21, delete lines 1 through 13, both inclusive, in their entirety including all floor amendments thereto.

Delegate Schmitt moved the adoption of the amendment.

Delegate Corne objected.

By a vote of 36 yeas and 61 nays the amendment was rejected.

Delegate Corne moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Perez sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Perez to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, line 18, in Floor Amendment No. 1 proposed by Delegates Pugh and Abraham and adopted by the Convention on November 7, 1973, on line 2 of the language added by the said amendment after the word and punctuation "subdivision," add the following:

"including property exempt as homesteads,"

AMENDMENT No. 2—

On page 20, line 25, in Floor Amendment No. 2 proposed by Delegates Pugh and Abraham and adopted by the Convention on November 7, 1973, on line 2 of the language added by said amendment after the word "district" and before the word "and" delete the semicolon ";" and insert in lieu thereof the following:

“, including property exempt as homesteads;”

On motion of Delegate Perez the amendments were adopted.

Delegate Perez moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer, Jenkins, Duval and Lanier to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, delete lines 13 through 32, in their entirety and on page 21, delete lines 1 through 8, in their entirety, including all amendments thereto and insert in lieu thereof the following:

"Section 40. (A) The aggregate amount of general obligation bonds secured solely by ad valorem taxes within any taxing district, including existing such bonds, shall not exceed ten percent of the fair market value or use value as applicable to the taxable property within the district.

(B) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house."

Delegate Roemer moved the adoption of the amendment.

Delegate Conroy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Ginn	Reeves
Aertker	Goldman	Riecke
Arnette	Graham	Roemer
Badeaux	Grier	Sandoz
Bollinger	Guarisco	Schmitt
Brien	Jackson, J.	Shannon
Brown	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kelly	Stovall
Comar	Kilpatrick	Sutherland
De Blieux	Landrum	Tate
Dennery	Landry, A.	Thompson
Derbes	Lanier	Velazquez
Deshotels	Lowe	Warren
Duval	Newton	Womack
Fayard	O'Neill	Zervigon
Total—48.		

NAYS

Delegates—

Alario	Fulco	Morris
Asseff	Gauthier	Nunez
Avant	Giarrusso	Perez
Bergeron	Gravel	Perkins
Burson	Hardee	Planchard
Cannon	Hayes	Rachal
Chatelain	Haynes	Roy
Chehardy	Heine	Singletary
Conino	Jack	Stephenson
Conroy	Jackson, A.	Stinson
Corne	Kilbourne	Tobias
Cowen	Landry, E. J.	Toca
D'Gerolamo	LeBleu	Toomy
Dennis	Leigh	Ullo
Dunlap	Leithman	Vesich
Edwards	McDaniel	Wattigny
Elkins	Martin	Willis
Flory	Mauberret	Winchester
Fontenot	Maybuce	Wisham
Fowler		
Total—58.		

NOT VOTING

Delegates—

Mr. Chairman	Bel	Carmouche
Alexander	Blair	Drew
Anzalone	Burns	Hernandez

Kean	Pugh	Thistlethwaite
Lambert	Rayburn	Vick
Miller	Segura	Wall
Mire	Slay	Weiss
Munson	Smith	
Ourso	Tapper	
Total—25.		

And the amendment was rejected.

Delegate Conroy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Avant sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Avant to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, delete lines 13 through 32, in their entirety and on page 21, delete lines 1 through 8, in their entirety, including all amendments thereto and insert in lieu thereof the following:

"Section 40. (A) The aggregate amount of general obligation bonds secured solely by ad valorem taxes within any taxing district, including existing such bonds, shall not exceed ten percent of the fair market value or use value as applicable to the taxable property within the district.

(B) The legislature may increase the debt limitations established in this Section by general law or by local or special law."

Delegate Avant moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 44 yeas and 60 nays the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 40 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Mr. Chairman	Gauthier	Morris
Abraham	Giarrusso	Nunez
Aertker	Goldman	Perez
Alario	Graham	Perkins
Bergeron	Hardee	Planchard
Burson	Haynes	Riecke
Champagne	Heine	Roy
Chatelain	Jack	Sandoz
Chehardy	Jackson, A.	Stagg
Conino	Juneau	Stephenson
Conroy	Kilbourne	Thompson
Corne	Landrum	Tobias
Cowen	Landry, E. J.	Toca
D'Gerolamo	LeBleu	Toomy
Dennis	Leigh	Ullo
Edwards	Leithman	Willis
Elkins	Lowe	Winchester
Fontenot	McDaniel	Wisham
Fowler	Martin	Womack
Fulco	Maybuce	
Total—59.		

NAYS

Delegates—

Arnette	Brown	Deshotels
Asseff	Casey	Dunlap
Avant	Comar	Duval
Badeaux	De Blieux	Fayard
Bollinger	Dennery	Flory
Brien	Derbes	Ginn

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Gravel	Mauberret	Stinson
Grier	Newton	Stovall
Guarisco	O'Neill	Sutherland
Hayes	Rachal	Tate
Jackson, J.	Reeves	Velazquez
Jenkins	Roemer	Vesich
Kelly	Schmitt	Warren
Kilpatrick	Shannon	Wattigny
Landry, A.	Singletary	Zervigon
Lanier	Soniat	

Total—47.

NOT VOTING

Delegates—		
Alexander	Kean	Slay
Anzalone	Lambert	Smith
Bel	Miller	Tapper
Blair	Mire	Thistlethwaite
Burns	Munson	Vick
Cannon	Ourso	Wall
Carmouche	Pugh	Weiss
Drew	Rayburn	
Hernandez	Segura	

Total—25.

Failed to pass. Motion to reconsider pending.

Motion

On motion of Delegate Aertker, the Convention altered the Order of Business to take up Reports of Committees at this time.

Reports of Committees

The following reports of committees were received and read:

Delegate Robert Aertker, chairman, on behalf of the Committee on Education and Welfare, submitted the following report:

State of Louisiana
Constitutional Convention of 1973

November 7, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Education and Welfare to submit the following report:

DELEGATE PROPOSAL No. 66—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit the appropriation of public funds for private or sectarian schools.

Reported without action.

DELEGATE PROPOSAL No. 92—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

Reported without action.

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Reported with amendments.

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Reported with amendments.

Respectfully submitted,

ROBERT J. AERTKER,
Chairman.

COMMITTEE NOTICE

Delegate Dennis, chairman of the Committee on Judiciary, sent up the following notice:

The Committee on Judiciary will meet on Wednesday, November 14, 1973, after adjournment in the Treaty Room of the White House Inn and will consider the following agenda:

AGENDA

To consider Delegate Proposal No. 43 by Delegate J. Jackson, et al. and Delegate Proposal No. 32 by Delegate Drew.

Respectfully submitted,

JAMES L. DENNIS,
Chairman of the Committee on Judiciary

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Weiss—1 day.
Delegate Rachal—1½ days.
Delegate Miller—1 day.
Delegate Mire—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, November 8, 1973, at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, November 8, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

EIGHTY-FIRST DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, November 8, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	O'Neill
Abraham	Gauthier	Ourso
Aertker	Giarrusso	Perez
Alario	Ginn	Perkins
Anzalone	Goldman	Planchard
Arnette	Graham	Rayburn
Asseff	Gravel	Reeves
Avant	Grier	Riecke
Badeaux	Guarisco	Roemer
Bergeron	Hardee	Roy
Blair	Hayes	Sandoz
Bollinger	Haynes	Schmitt
Brien	Heine	Segura
Brown	Hernandez	Shannon
Burns	Jack	Singletary
Burson	Jackson, A.	Soniat
Cannon	Jackson, J.	Stagg
Carmouche	Jenkins	Stephenson
Casey	Juneau	Stinson
Champagne	Kean	Stovall
Chatelain	Kelly	Sutherland
Comar	Kilbourne	Tapper
Conino	Kilpatrick	Tate
Conroy	Lambert	Thompson
Corne	Landrum	Tobias
Cowen	Landry, A.	Toca
D'Gerolamo	Landry, E. J.	Toomy
De Blieux	Janier	Ullo
Dennery	LeBleu	Velazquez
Dennis	Leigh	Vesich
Derbes	Leithman	Vick
Deshotels	Lowe	Warren
Dunlap	McDaniel	Wattigny
Duval	Martin	Weiss
Edwards	Mauberret	Willis
Elkins	Maybuce	Winchester
Fayard	Mire	Wisham
Flory	Morris	Womack
Fontenot	Newton	Zervigon
Fowler	Nunez	
Total—119.		

ABSENT

Delegates—		
Alexander	Miller	Slay
Bel	Munsen	Smith
Chehardy	Pugh	Thistlethwaite
Drew	Rachal	Wall
Total—12.		

The Chairman announced that there were 119 members present and a quorum.

Prayer

Prayer was offered by Delegate Wattigny.

Pledge of Allegiance

Delegate Soniat led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Singletary, the reading of the Journal was dispensed with.

On motion of Delegate Singletary, the Journal of yesterday was adopted.

Morning Hour

Reports of Committees Lying Over

Delegate and Committee Proposals on Second Reading Reported by Committees

The following entitled Delegate and Committee Proposals were taken up and acted upon as follows:

COMMITTEE PROPOSAL No. 11—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare, and Delegates Armentor, Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for human resources by providing for retirement and survivors' benefits.

Read.

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Education and Welfare to Committee Proposal No. 11 by Delegate Aertker, et. al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 4 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny"

AMENDMENT No. 2—

On page 1, line 16, after the word "public" and before the word "through" delete "schools" and insert in lieu thereof the words "educational system"

AMENDMENT No. 3—

On page 1, line 18, at the beginning of the line, delete the words "public school employees" and insert in lieu thereof the words "employees of the public educational system."

AMENDMENT No. 4—

On page 1, line 19, after the word "contractual" delete the word and comma "relationship," and insert in lieu thereof "relationship between the employee and employer."

AMENDMENT No. 5—

On page 1, at the end of line 20, delete the words "nor im-" and insert in lieu thereof the words "or im-"

AMENDMENT No. 6—

On page 1, line 21, after the word "state" delete the words "shall guarantee any" and insert in lieu thereof the words "guarantees all"

AMENDMENT No. 7—

On page 1, line 26, after the words "State of" delete the remainder of the line and at the beginning of line 27, delete "porations" and insert in lieu thereof the word "Louisiana, its agencies"

AMENDMENT No. 8—

On page 1, line 31, after the word "political" delete the

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word "corporation" and insert in lieu thereof the word "sub-division"

AMENDMENT No. 9—

On page 1, line 32, at the beginning of the line after "tractual" delete the word "relationship" and insert in lieu thereof the words "relationship between the employee and employer"

AMENDMENT No. 10—

On page 2, at the beginning of line 1, delete the words and punctuation "nor impaired," and insert in lieu thereof the words "or impaired, and the state or political subdivision shall guarantee any benefits payable to a member of the system or to his lawful beneficiary at his death or retirement."

AMENDMENT No. 11—

On page 2, line 21, after "levee boards," and before the words "and other state" insert the following: "persons on the payroll of the state or of any political subdivision of the state in training to become a law enforcement officer as defined in this subsection,"

AMENDMENT No. 12—

On page 2, at the end of line 27, delete the word "act," and insert in lieu thereof the word "subsection."

AMENDMENT No. 13—

On page 4, delete lines 2 through 8, both inclusive in their entirety, and insert in lieu thereof the following: "nal on two separate days, the last day of which is at least thirty days prior to the introduction of such a bill into the legislature. The notice shall state the substance of the contemplated law or proposal to amend the constitution. Every such bill shall contain a recital that the notice has been given."

On motion of Delegate Aertker the amendments were adopted.

On motion of Delegate Aertker the Proposal was ordered engrossed and passed to its third reading.

COMMITTEE PROPOSAL No. 30—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Corne, Cowen, Flory, Grier, Haynes, Hernandez, Landry, Leithman, Lennox, Rachal, Riecke, Robinson, Segura, Silverberg, Sutherland, Thistlethwaite, Toca, and Wisham:

A PROPOSAL

To provide for the transition of membership on the boards of education.

Read.

Reported with the following amendments by the Committee on Education and Welfare.

COMMITTEE AMENDMENT

Amendment proposed by Committee on Education and Welfare to Committee Proposal No. 30 by Delegate Aertker, et al.

Amend printed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 4 through 6, both inclusive in their entirety and insert in lieu thereof the following:

"Carmouche, Corne, Cowen, Flory, Graham, Grier, Haynes, Hernandez, E. Landry, Leithman, Morris, Rachal, Riecke, Segura, Sutherland, Thistlethwaite, Toca, Wattigny and"

On motion of Delegate Aertker the amendments were adopted.

On motion of Delegate Aertker the Proposal was ordered engrossed and passed to its third reading.

DELEGATE PROPOSAL No. 66—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions to prohibit the appropriation of public funds for private or sectarian schools.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Morris the proposal was withdrawn from the files of the Convention.

DELEGATE PROPOSAL No. 92—

Introduced by Delegate Robinson:

A PROPOSAL

Making provisions for public elementary and secondary education and necessary provisions with respect thereto.

Read.

Reported without action by the Committee on Education and Welfare.

On motion of Delegate Morris the Proposal was withdrawn from the files of the Convention.

Reconsideration

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and (2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Read.

On motion of Delegate Perez the vote by which the above Section failed to pass on yesterday was reconsidered.

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 17 when it adjourned on Wednesday, November 7, 1973, which was taken up and acted on as follows:

Motion

Delegate Warren moved to reconsider the vote by which Committee Proposal No. 17, Section 41 was passed on yesterday.

Delegate Perez moved to table the motion to reconsider.

By a vote of 36 yeas 47 nays the Convention refused to table the motion to reconsider the vote by which Committee Proposal No. 17, Section 41 was passed on yesterday.

Delegate Warren insisted upon her motion to reconsider the vote by which Committee Proposal No. 17, Section 41, was passed on yesterday.

Delegate Perez objected.

By a vote of 48 yeas 32 nays the vote by which Committee Proposal No. 17, Section 41 was passed was reconsidered.

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose in incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution, the bonds or other debt obligation authorized thereby, and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, bonds, or other debt obligation, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Read.

Delegate Warren sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Warren to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 22, line 3, immediately after the word "least"

and before the word "in" delete the word "once" and insert in lieu thereof the words "three times"

Delegate Warren moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 25 yeas and 66 nays the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 41 was read.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fowler	Morris
Alario	Fulco	Newton
Arnette	Gauthier	Nunez
Badeaux	Giarrusso	Perez
Bergeron	Goldman	Perkins
Bollinger	Graham	Planchard
Brien	Gravel	Riecke
Burns	Grier	Roemer
Burson	Hardee	Sandoz
Carmouche	Hayes	Shannon
Casey	Haynes	Singletary
Champagne	Hernandez	Soniat
Chatelain	Jack	Stagg
Comar	Jackson, A.	Stephenson
Conino	Juneau	Stinson
Conroy	Kean	Stovall
Corne	Kilbourne	Sutherland
Cowen	Landrum	Tapper
D'Gerolamo	Landry, A.	Thompson
De Blieux	Landry, E. J.	Tobias
Dennery	Lanier	Toca
Dennis	LeBleu	Toomy
Derbes	Leigh	Vick
Deshotels	Leithman	Wattigny
Duval	Lowe	Willis
Elkins	McDaniel	Wisham
Fontenot	Mauberrert	Zervigon
Total—81.		

NAYS

Delegates—		
Assef	Jenkins	Velazquez
Avant	Kelly	Warren
Flory	Maybuce	
Jackson, J.	O'Neill	
Total—10.		

NOT VOTING

Delegates—		
Mr. Chairman	Guarisco	Schmitt
Aertker	Heine	Segura
Alexander	Kilpatrick	Slay
Anzalone	Lambert	Smith
Bel	Martin	Tate
Blair	Miller	Thistlethwaite
Brown	Mire	Uilo
Cannon	Munson	Vesich
Chehardy	Ourso	Wall
Drew	Pugh	Weiss
Dunlap	Rachal	Winchester
Edwards	Rayburn	Womack
Fayard	Reeves	
Ginn	Roy	
Total—40.		

And the Chair declared that the above Section was finally passed.

Motion

On motion of Delegate Perez, and under a suspension of the rules, the vote by which Committee Proposal No. 17, Section 41, was reconsidered, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Stagg moved to reconsider the vote by which Committee Proposal No. 17, Section 43 was passed on yesterday.

Delegate Flory objected.

By a vote of 82 yeas and 4 nays the vote by which Committee Proposal 17, Section 43 was adopted on yesterday was reconsidered.

Section 43. Revenue-Producing Property

Section 43. The legislature may authorize political subdivisions to issue bonds or other debt obligations for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility and shall not be a charge upon the other income and revenues of the political subdivision.

Read.

Delegate Stagg sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stagg to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, line 13, immediately after the word "utility" delete the period "." and add the following: "or work of public improvement."

AMENDMENT No. 2—

On page 23, line 16, immediately after the word "utility" and before the word "and" insert the words "or work of public improvement"

Delegate Stagg moved the adoption of the amendments.

Delegate Maybuce objected.

By a vote of 88 yeas and 3 nays the amendments were adopted.

Delegate Stagg moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 43 was read as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Conino	Giarrusso
Aertker	Conroy	Ginn
Alario	Corne	Goldman
Arnette	Cowen	Graham
Asseff	D'Gerolamo	Gravel
Badeaux	De Blieux	Grier
Bergeron	Dennery	Hardee
Bollinger	Dennis	Haynes
Brien	Derbes	Hernandez
Burns	Deshotels	Jack
Burson	Duval	Jackson, A.
Carmouche	Elkins	Jackson, J.
Casey	Fontenot	Juneau
Champagne	Fowler	Kean
Chatelain	Fulco	Kelly
Comar	Gauthier	Kilbourne

Kilpatrick	Perkins	Sutherland
Landrum	Planchard	Tapper
Landry, A.	Rayburn	Thompson
Landry, E. J.	Riecke	Tobias
Lanier	Roemer	Toca
Leigh	Sandoz	Toomy
Leithman	Schmitt	Velazquez
Lowe	Segura	Vick
McDaniel	Shannon	Warren
Mauburret	Singletary	Wattigny
Maybuce	Soniat	Willis
Morris	Stagg	Wisham
Newton	Stephenson	Womack
Nunez	Stinson	Zervigon
Perez	Stovall	
Total—92.		

NAYS

Delegates—
Avant
Total—2.

Flory

NOT VOTING

Delegates—		
Mr. Chairman	Hayes	Reeves
Alexander	Heine	Roy
Anzalone	Jenkins	Slay
Bel	Lambert	Smith
Blair	LeBleu	Tate
Brown	Martin	Thistlethwaite
Cannon	Miller	Ullo
Chehardy	Mire	Vesich
Drew	Munson	Wall
Dunlap	O'Neill	Weiss
Edwards	Ourso	Winchester
Fayard	Pugh	
Guarisco	Rachal	
Total—37.		

And the Chair declared that the above Section was finally passed.

On motion of Delegate Perez, and under a Suspension of the Rules, the vote by which the above Section was passed was reconsidered, and on his own motion, the motion to reconsider was laid on the table.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and (2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Read.

On motion of Delegate Perez, the above Section which

was reconsidered on November 8, 1973, was taken up and acted upon as follows:

On motion of Delegate Perez the Convention deferred action on the above Section at this time.

Motion

On motion of Delegate Perez Committee Proposal No. 17, Section 45, upon which action was deferred on October 4, 1973, was taken up and acted upon as follows:

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the dollar, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the dollar, on all taxable property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise in any levee district for any of the purposes herein set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased. However, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

Read.

Delegate Gravel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Gravel to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 24, line 11 immediately after the words "on the" and before the word "except" delete the word and punctuation "dollar," and insert in lieu thereof the words and punctuation "assessed valuation."

AMENDMENT No. 2—

On page 24, line 14 immediately after the words "on the" and before the word "all" delete the words and punctuation "dollar, on" and insert in lieu thereof "assessed valuation of"

On motion of Delegate Gravel the amendments were adopted.

Delegate Gravel moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 17, Section 45 was read as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Blair	Casey
Aertker	Bollinger	Champagne
Alario	Brien	Chatelain
Arnette	Burns	Comar
Avant	Burson	Conino
Badeaux	Cannon	Conroy
Bergeron	Carmouche	Corne

Cowen	Jack
D'Gerolamo	Jackson, A.
De Blieux	Jackson, J.
Dennerly	Juneau
Dennis	Kean
Derbes	Kelly
Deshotels	Kilbourne
Dunlap	Kilpatrick
Duval	Lambert
Elkins	Landrum
Flory	Landry, A.
Fontenot	Landry, E. J.
Fowler	Lanier
Fulco	LeBleu
Gauthier	Leigh
Giarrusso	Leithman
Ginn	Lowe
Goldman	McDaniel
Graham	Mauberet
Gravel	Maybuce
Grier	Morris
Guarisco	Newton
Hardee	Nunee
Hayes	Perez
Haynes	Perkins
Hernandez	Planchard
Total—99.	

Rayburn
Riecke
Roemer
Sandoz
Schmitt
Shannon
Soniat
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Thompson
Tobias
Toca
Toomy
Velazquez
Vick
Warren
Wattigny
Willis
Winchester
Wisham
Womack
Zervigon

NAYS

Delegates—
Asseff
Total—2.

Singletary

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Anzalone
Bel
Brown
Chehardy
Drew
Edwards
Fayard
Heine
Total—30.

Jenkins
Martin
Miller
Mire
Munson
O'Neill
Ourso
Pugh
Rachal
Reeves

Roy
Segura
Slay
Smith
Tate
Thistlethwaite
Ullo
Vesich
Wall
Weiss

And the Chair declared the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez Committee Proposal No. 17, Section 46, upon which action was deferred on October 4, 1973, was taken up and acted upon as follows:

Section 46. Bond Issues

Section 46. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

(B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Read.

Committee Proposal No. 17, Section 46 was read.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker
Alario

Arnette
Asseff
Avant

Badeaux
Bergeron
Blair

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Bollinger	Graham	Nunez
Brien	Gravel	Perkins
Burns	Grier	Planchard
Burson	Guarisco	Rayburn
Cannon	Hardee	Riecke
Carmouche	Hayes	Roemer
Casey	Haynes	Sandoz
Champagne	Hernandez	Schmitt
Chatelain	Jack	Shannon
Comar	Jackson, A.	Singletary
Conino	Jackson, J.	Soniat
Conroy	Juneau	Stagg
Corne	Kean	Stephenson
Cowen	Kelly	Stinson
D'Gerolamo	Kilbourne	Stovall
De Blieux	Kilpatrick	Sutherland
Dennery	Lambert	Tapper
Dennis	Landrum	Thompson
Derbes	Landry, A.	Tobias
Deshotels	Landry, E. J.	Toca
Dunlap	Lanier	Toomy
Duval	LeBlau	Velazquez
Elkins	Leigh	Vick
Flory	Leithman	Warren
Fontenot	Lowe	Wattigny
Fowler	McDaniel	Willis
Fulco	Mauberrret	Winchester
Gauthier	Maybuce	Wisham
Giarrusso	Mire	Womack
Ginn	Morris	Zervigon
Goldman	Newton	
Total—101.		

Delegates—
Total—0.

NAYS

NOT VOTING

Delegates—	Jenkins	Roy
Mr. Chairman	Martin	Segura
Alexander	Miller	Slay
Anzalone	Munson	Smith
Bel	O'Neill	Tate
Brown	Ourso	Thistlethwaite
Chehardy	Perez	Ullo
Drew	Pugh	Vesich
Edwards	Rachal	Wall
Fayard	Reeves	Weiss
Heine		
Total—30.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Motion

On motion of Delegate Perez Committee Proposal No. 17, Section 49, upon which action was deferred on October 4, 1973, was taken up and acted upon as follows:

Section 49. Compensation for Property Used or Destroyed; Tax

Section 49. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, if property used or destroyed for levees or levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements, the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or

any political subdivision thereof for the purpose of commerce.

(B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

Read.

Delegate Lowe sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Lowe to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, line 24, immediately after the word "price" delete the remainder of the line and delete lines 25 through 30, both inclusive, in their entirety and on line 31 at the beginning of the line delete the words "ket value" and insert in lieu thereof the following:

"equal to the difference between the fair market value of the property before the taking and the fair market value of the property after the taking"

Delegate Lowe moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Ginn	Mire
Abraham	Goldman	Newton
Aertker	Graham	Riecke
Arnette	Gravel	Roemer
Asseff	Guarisco	Roy
Avant	Hardee	Sandoz
Carmouche	Hayes	Singletary
Casey	Haynes	Soniat
Comar	Jackson, A.	Stagg
Conroy	Jackson, J.	Stinson
Cowen	Kelly	Sutherland
De Blieux	Kilpatrick	Thompson
Dennery	Lambert	Tobias
Dennis	Landrum	Warren
Derbes	Leigh	Weiss
Dunlap	Lowe	Wisham
Flory	Maybuce	
Fontenot		
Total—51.		

NAYS

Delegates—	Fulco	Perkins
Alario	Giarrusso	Planchard
Badeaux	Gauthier	Rayburn
Bergeron	Grier	Schmitt
Blair	Heine	Segura
Bollinger	Hernandez	Shannon
Brien	Jack	Stephenson
Brown	Juneau	Stovall
Burns	Kean	Tapper
Burson	Kilbourne	Toca
Cannon	Landry, A.	Toomy
Champagne	Landry, E. J.	Velazquez
Chatelain	Lanier	Vick
Conino	Leithman	Wattigny
Corne	McDaniel	Willis
D'Gerolamo	Mauberrret	Winchester
Deshotels	Nunez	Womack
Duval	Perez	Zervigon
Elkins		
Total—53.		

NOT VOTING

Delegates—	Anzalone	Chehardy
Mr. Chairman	Bel	Drew
Alexander		

Edwards	Morris	Slay
Fayard	Munson	Smith
Fowler	O'Neill	Tate
Jenkins	Ourso	Thistlethwaite
LeBleu	Pugh	Uilo
Martin	Rachal	Vesich
Miller	Reeves	Wall

Total—27.

And the amendment was rejected.

Delegate Perez moved to reconsider the vote by which the amendment was rejected, and to lay the motion to reconsider on the table.

Delegate Lowe objected to tabling the motion to reconsider.

By a vote of 54 yeas and 50 nays the motion to reconsider was laid on the table.

Delegate Duval sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Duval to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, line 22, after the letter "(A)" delete the word "Lands" and insert in lieu thereof the following: "Notwithstanding any other provision of this constitution, lands"

AMENDMENT No. 2—

On page 25, line 24, after the word "for" delete the remainder of the line and delete lines 25 through 30, both inclusive, in their entirety and at the beginning of line 31, delete "ket value" and insert in lieu thereof the following: "as provided by law"

Delegate Duval moved the adoption of the amendments.

Delegate Perez objected.

By a vote of 67 yeas and 40 nays the amendments were adopted.

Delegate Duval moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Brien sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Brien to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, strike out Convention Floor Amendment No. 2 proposed by Mr. Duval and adopted by Convention on November 8, 1973, and insert in lieu of the language deleted thereby: "at fair market value;"

Delegate Brien moved the adoption of the amendment.

Delegate Lanier objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Brien	Corne
Badeaux	Conroy	Cowen

Dennery	Haynes	Roy
Derbes	Jackson, A.	Segura
Dunlap	Jenkins	Singletary
Flory	Kelly	Soniat
Fontenot	Landrum	Stagg
Fulco	Lowe	Stinson
Ginn	Martin	Thompson
Goldman	Maybuce	Tobias
Graham	Mire	Warren
Gravel	Newton	Wattigny
Guarisco	O'Neill	Wisham
Hayes	Roemer	

Total—41.

NAYS

Delegates—

Abraham	Fayard
Alario	Fowler
Arnette	Gauthier
Asseff	Giarrusso
Avant	Grier
Bergeron	Hardee
Blair	Heine
Bollinger	Hernandez
Burns	Jack
Burson	Kean
Carmouche	Kilbourne
Casey	Kilpatrick
Champagne	Landry, A.
Chatelain	Landry, E. J.
Conino	Lanier
D'Gerolamo	LeBleu
De Blieux	Leithman
Dennis	McDaniel
Deshotels	Mauberret
Duval	Morris
Elkins	Nunez

Total—62.

NOT VOTING

Delegates—

Mr. Chairman	Jackson, J.	Riecke
Alexander	Juneau	Slay
Anzalone	Lambert	Smith
Bel	Leigh	Tate
Brown	Miller	Thistlethwaite
Cannon	Munson	Uilo
Chehardy	Ourso	Vesich
Comar	Pugh	Wall
Drew	Rachal	
Edwards	Reeves	

Total—28.

And the amendment was rejected.

Delegate Lanier moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Guarisco sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Guarisco to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, delete lines 22 through 32, both inclusive, in their entirety and on page 26 delete lines 1 through 8, both inclusive, in their entirety including all Floor Amendments thereto and insert in lieu thereof the following:

"Section 49. (A) No property shall be used or destroyed for levees or levee drainage purpose without just compensation paid to the owner or into court for his benefit."

AMENDMENT No. 2—

On page 26, line 9, beginning of the line, change "(C)" to "(B)"

Delegate Guarisco moved the adoption of the amendments.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

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ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Jackson, J.	Singletary
Brien	Jenkins	Soniati
Casey	Kelly	Stagg
Conroy	Kilpatrick	Stinson
Corne	LeBleu	Stovall
Cowen	Martin	Tate
Dunlap	Maybuce	Thompson
Flory	Mire	Vick
Fulco	Newton	Warren
Ginn	O'Neill	Wisham
Guarisco	Roemer	
Haynes	Roy	
Total—34.		

NAYS

Delegates—		
Abraham	Fayard	Perkins
Alario	Fontenot	Planchard
Asseff	Fowler	Rayburn
Avant	Gauthier	Reeves
Badeaux	Giarrusso	Riecke
Bergeron	Goldman	Sandoz
Blair	Graham	Schmitt
Bollinger	Gravel	Shannon
Burns	Grier	Stephenson
Burson	Hardee	Sutherland
Cannon	Hayes	Tobias
Carmouche	Heine	Toca
Champagne	Hernandez	Toomy
Chatelain	Juneau	Ullo
Comar	Kilbourne	Velazquez
Conino	Landry, A.	Vesich
D'Gerolamo	Landry, E. J.	Wattigny
De Blieux	Lanier	Weiss
Dennerly	Leithman	Willis
Dennis	McDaniel	Winchester
Deshotels	Mauberet	Womack
Duval	Nunez	Zervigon
Elkins	Perez	
Total—68.		

NOT VOTING

Delegates—		
Mr. Chairman	Jack	Ourso
Alexander	Jackson, A.	Pugh
Anzalone	Kean	Rachal
Arnette	Lambert	Segura
Bel	Landrum	Slay
Brown	Leigh	Smith
Chehardy	Lowe	Tapper
Derbes	Miller	Thistlethwaite
Drew	Morris	Wall
Edwards	Munson	
Total—29.		

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate McDaniel sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates McDaniel, Lanier, Perez and Elkins to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 25, lines 22 and 24, delete Floor Amendments No. 1 and No. 2 proposed by Delegate Duval and adopted by the convention on November 8, 1973

AMENDMENT No. 2—

On page 25, delete lines 22 through 30, both inclusive, in their entirety and at the beginning of line 31, delete "ket value;" and insert in lieu thereof the following:

"Section 49. (A) Lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for at a price not to exceed the assessed value for the preceding year; provided, if property used or destroyed for levees or levee drainage purposes from a landowner shall exceed more than one-third the value of that landowner's property and improvements, or if land is located on the protected side of a protection levee and is used for borrow purposes, the land and improvements thereon used or destroyed for such purposes shall be paid for at fair market value;"

Delegate McDaniel moved the adoption of the amendments.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Dennis	LeBleu
Alario	Elkins	McDaniel
Asseff	Fontenot	Mauberet
Brien	Fowler	Morris
Brown	Gauthier	Nunez
Burson	Giarrusso	Perez
Cannon	Graham	Sandoz
Carmouche	Grier	Shannon
Champagne	Hardee	Stephenson
Chatelain	Hayes	Toomy
Comar	Heine	Ullo
Corne	Hernandez	Vesich
Cowen	Jack	Winchester
D'Gerolamo	Lanier	Womack
Total—42.		

NAYS

Delegates—		
Abraham	Gravel	Riecke
Arnette	Guarisco	Roemer
Avant	Haynes	Roy
Badeaux	Jackson, A.	Singletary
Bergeron	Jackson, J.	Soniati
Blair	Jenkins	Stagg
Bollinger	Juneau	Stinson
Burns	Kelly	Stovall
Casey	Kilbourne	Sutherland
Conino	Kilpatrick	Tate
Conroy	Lambert	Thompson
De Blieux	Landry, A.	Tobias
Dennerly	Landry, E. J.	Toca
Derbes	Martin	Velazquez
Deshotels	Maybuce	Vick
Dunlap	Mire	Warren
Duval	Newton	Wattigny
Fayard	O'Neill	Weiss
Flory	Perkins	Willis
Fulco	Planchard	Wisham
Ginn	Rayburn	Zervigon
Goldman	Reeves	
Total—65.		

NOT VOTING

Delegates—		
Mr. Chairman	Landrum	Rachal
Alexander	Leigh	Schmitt
Anzalone	Leithman	Segura
Bel	Lowe	Slay
Chehardy	Miller	Smith
Drew	Munson	Tapper
Edwards	Ourso	Thistlethwaite
Kean	Pugh	Wall
Total—24.		

And the amendments were rejected.

Delegate Perez moved to reconsider the vote by which the

amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal 17, Section 49 was read, as amended.

Delegate Perez moved the final passage of the Section.

ROLL CALL

The roll was called with the following results:

YEAS

Delegates—		
Abraham	Fulco	O'Neill
Aertker	Gauthier	Perez
Alario	Giarrusso	Perkins
Avant	Ginn	Planchard
Badeaux	Goldman	Rayburn
Bergeron	Graham	Reeves
Blair	Gravel	Riecke
Bollinger	Grier	Roemer
Brien	Guarisco	Roy
Brown	Hayes	Sandoz
Burns	Heine	Schmitt
Burson	Hernandez	Shannon
Cannon	Jack	Stagg
Carmouche	Jackson, A.	Stephenson
Casey	Jackson, J.	Stinson
Champagne	Jenkins	Stovall
Chatelain	Juneau	Sutherland
Comar	Kelly	Tate
Conino	Kilbourne	Thompson
Conroy	Kilpatrick	Tobias
Corne	Lambert	Toca
Cowen	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullio
De Blieux	Lanier	Velazquez
Dennery	LeBleu	Vesich
Dennis	Leithman	Vick
Derbes	McDaniel	Warren
Deshotels	Martin	Wattigny
Dunlap	Mauberret	Weiss
Duval	Maybuce	Willis
Elkins	Mire	Winchester
Fayard	Morris	Wisham
Flory	Newton	Womack
Fontenot	Nunez	Zervigon
Fowler		

Total—103.

NAYS

Delegates—		
Arnette	Haynes	Singletary
Asseff		
Total—4.		

NOT VOTING

Delegates—		
Mr. Chairman	Kean	Rachal
Alexander	Landrum	Segura
Anzalone	Leigh	Slay
Bel	Lowe	Smith
Chehardy	Miller	Soniati
Drew	Munson	Tapper
Edwards	Ourso	Thistlethwaite
Hardee	Fugh	Wall
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Perez moved to reconsider the vote by which the above Section was passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Perez the Convention took up Committee Proposal No. 17, Section 40, which was acted upon as follows:

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. (A) General obligation bonds may be issued by any political subdivision for any single purpose which, including the existing bonds of such political subdivision incurred for the same purpose and payable solely from ad valorem taxes levied without limitation as to rate or amount, shall not exceed in the aggregate ten percent of the total value of all property within such subdivision valued for assessment purposes, including property exempt as homesteads, to be ascertained by the last such valuation for political subdivision purposes previous to incurring such indebtedness except that: (1) as to both parishwide school districts and other school districts, the limitation shall be twenty-five percent of the total value of all property within such district valued for assessment purposes as aforesaid; and (2) as to general obligation industrial development bonds, such limitation shall be twenty percent of the total value of all property within the political subdivision valued for assessment purposes as aforesaid.

(B) Any municipality financing and operating its own schools and not located within a parishwide or other school district shall be regarded as and treated on the same basis for the purpose of debt limitation and shall have the same authority for all purposes of this Section as though it were such a school district.

(C) The legislature may increase the debt limitations established in this Section by general law or by local or special law passed by a two-thirds vote of the elected membership of each house.

(D) Bonds and other debt obligations payable from acreage taxes, sales and use taxes, excess revenues, special assessments, or other special revenues shall not be considered to be bonds payable solely from ad valorem taxes for all purposes of this Section.

Read.

Delegate Roemer sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Roemer, Lanier, Kelly, and Lowe to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 20, delete lines 13 through 32, both inclusive, in their entirety and on page 21, delete lines 1 through 13, both inclusive, in their entirety including all Floor Amendments to said pages and lines and insert in lieu thereof the following:

"Section 40. The legislature shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions."

Delegate Roemer moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Dennery	Jackson, J.
Abraham	Dennis	Jenkins
Aertker	Derbes	Juneau
Arnette	Deshotels	Kelly
Avant	Dunlap	Kilbourne
Badeaux	Duval	Kilpatrick
Bergeron	Fayard	Landry, A.
Bollinger	Flory	Landry, E. J.
Brien	Fulco	Lanier
Brown	Ginn	LeBleu
Burns	Goldman	Martin
Carmouche	Graham	Maybuce
Casey	Gravel	Mire
Champagne	Guarisco	Morris
Chatelain	Hayes	Newton
Comar	Haynes	O'Neill
Corne	Jack	Reeves
Cowen	Jackson, A.	Roemer

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Roy	Stinson	Velazquez
Schmitt	Stovall	Vick
Segura	Sutherland	Warren
Shannon	Tate	Wattigny
Singletary	Thompson	Weiss
Soniat	Tobias	Wisham
Stagg	Ullo	Zervigon
Total—75.		

NAYS

Delegates—	Gauthier	Planchard
Alario	Giarrusso	Riecke
Asseff	Grier	Sandoz
Burson	Hardee	Stephenson
Cannon	Heine	Toca
Conino	Hernandez	Toomy
Conroy	McDaniel	Vesich
D'Gerolamo	Mauberrret	Willis
De Blieux	Nunez	Winchester
Elkins	Perez	
Fontenot	Perkins	
Fowler		
Total—31.		

NOT VOTING

Delegates—	Landrum	Rachal
Alexander	Leigh	Rayburn
Anzalone	Leithman	Slay
Bel	Lowe	Smith
Blair	Miller	Tapper
Chehardy	Munson	Thistlethwaite
Drew	Ourso	Wall
Edwards	Pugh	Womack
Kean		
Lambert		
Total—25.		

And the amendment was adopted.

Delegate Roemer moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal 17, Section 40 was read, as amended.

Delegate Duval moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Dunlap	Landry, E. J.
Mr. Chairman	Duval	Lanier
Abraham	Elkins	LeBleu
Aertker	Fayard	McDaniel
Alario	Flory	Martin
Arnette	Fontenot	Mauberrret
Avant	Fulco	Maybuce
Badeaux	Gauthier	Mire
Bergeron	Ginn	Morris
Blair	Goldman	Newton
Bollinger	Graham	O'Neill
Brien	Gravel	Perkins
Brown	Grier	Planchard
Burns	Guarisco	Rayburn
Burson	Hardee	Reeves
Cannon	Hayes	Riecke
Carmouche	Haynes	Roemer
Casey	Heine	Roy
Champagne	Hernandez	Sandoz
Chatelain	Jack	Schmitt
Conino	Jackson, A.	Segura
Conroy	Jackson, J.	Shannon
Corne	Jenkins	Singletary
Cowen	Juneau	Stagg
D'Gerolamo	Kelly	Stephenson
De Blieux	Kilbourne	Stinson
Dennerly	Kilpatrick	Stovall
Dennis	Landrum	Sutherland
Derbes	Landry, A.	Tate
Deshotels		

Thompson	Vesich	Winchester
Tobias	Vick	Wisham
Toca	Warren	Womack
Toomy	Wattigny	Zervigon
Ullo	Weiss	
Velazquez	Willis	
Total—103.		

NAYS

Delegates—	Giarrusso	Perez
Asseff		
Fowler		
Total—4.		

NOT VOTING

Delegates—	Lambert	Pugh
Alexander	Leigh	Rachal
Anzalone	Leithman	Slay
Bel	Lowe	Smith
Chehardy	Miller	Soniat
Comar	Munson	Tapper
Drew	Nunez	Thistlethwaite
Edwards	Ourso	Wall
Kean		
Total—24.		

And the Chair declared that the above Section was finally passed.

Delegate Duval moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Willis sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Willis to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 23, between lines 18 and 19, insert the following:

"Section 43.1. Maximum Charges for Attorney Fees
Section 43.1 The maximum charge which may be paid for legal services by a bonding authority in connection with the issuance and sale of its bonds shall not exceed \$20,000 or one-half of one percent of the total authorized amount of said bonds, whichever is the lesser."

Delegate Willis moved the adoption of the amendment.

Delegate Avant objected.

A record vote was aksed for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Jenkins	Stinson
Arnette	Landrum	Stovall
Bergeron	Landry, A.	Tobias
Burns	Landry, E. J.	Toca
Burson	LeBleu	Ullo
Conino	Maybuce	Velazquez
D'Gerolamo	O'Neill	Vick
Deshotels	Rayburn	Warren
Flory	Riecke	Wattigny
Hardee	Sandoz	Weiss
Haynes	Shannon	Willis
Hernandez	Soniat	Wisham
Jack		
Total—36.		

NAYS

Delegates—	Badeaux	Carmouche
Abraham	Blair	Casey
Aertker	Bollinger	Champagne
Alario	Brien	Chatelain
Anzalone	Brown	Comar
Asseff	Cannon	Conroy
Avant		

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Cowen	Grier	Perez
De Blieux	Guarisco	Perkins
Dennery	Hayes	Planchard
Dennis	Heine	Reeves
Derbes	Jackson, A.	Roemer
Dunlap	Juneau	Roy
Corne	Kean	Schmitt
Duval	Kelly	Segura
Elkins	Kilbourne	Singletary
Fayard	Kilpatrick	Stagg
Fontenot	Lanier	Stephenson
Fowler	Leithman	Sutherland
Fulco	Lowe	Tate
Gauthier	McDaniel	Thompson
Giarrusso	Martin	Toomy
Ginn	Mauberret	Vesich
Goldman	Mire	Winchester
Graham	Morris	Womack
Gravel	Newton	Zervigon
Total—75.		

NOT VOTING

Delegates—	Lambert	Rachal
Mr. Chairman	Leigh	Slay
Alexander	Miller	Smith
Bel	Munson	Tapper
Chehardy	Nunez	Thistlethwaite
Drew	Ourso	Wall
Edwards	Pugh	
Jackson, J.		
Total—20.		

The amendment not having received the vote of a majority of the total membership of the Convention necessary to add a Section to a Proposal was rejected.

Delegate Segura moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Zervigon and Casey to Committee Proposal No. 17 by Delegate Perez, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 19, between lines 6 and 7, add the following section:

"Section 37. Extension of Homestead Exemption to Additional Millages; Approval

Section 37. Notwithstanding any provisions contained in this constitution to the contrary, no homestead exemption shall extend to any additional millage imposed by any political subdivision after implementation of the provisions of Article XI, Section 5 hereof, unless the governing authority of a political subdivision, by ordinance proposing the imposition of such millage specifically extends the exemption to such millage."

Delegate Zervigon moved the adoption of the amendment.

Delegate Rayburn objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Casey	Dennery
Arnette	Chatelain	Dennis
Brien	De Blieux	Derbes
Burson		

Elkins	Newton	Stagg
Giarrusso	Ourso	Stovall
Graham	Perez	Sutherland
Gravel	Perkins	Tate
Heine	Planchard	Tobias
Jackson, J.	Riecke	Velazquez
Kean	Roy	Vick
Kilbourne	Sandoz	Warren
Landrum	Schmitt	Zervigon
Lanier	Shannon	
Lowe	Soniat	
Total—40.		

NAYS

Delegates—	Flory	Leithman
Abraham	Fontenot	Martin
Alario	Fowler	Mauberret
Anzalone	Fulco	Maybuce
Asseff	Gauthier	Mire
Avant	Ginn	Morris
Badeaux	Goldman	O'Neill
Bergeron	Grier	Rayburn
Blair	Guarisco	Reeves
Bollinger	Hardee	Roemer
Brown	Hayes	Singletary
Burns	Haynes	Stephenson
Carmouche	Hernandez	Stinson
Champagne	Jack	Thompson
Comar	Jackson, A.	Toca
Conino	Jenkins	Toomy
Conroy	Juneau	Ullo
Corne	Kelly	Vesich
D'Gerolamo	Kilpatrick	Wattigny
Deshotels	Lambert	Weiss
Dunlap	Landry, A.	Willis
Duval	Landry, E. J.	Winchester
Edwards	LeBleu	Wisham
Fayard		
Total—69.		

NOT VOTING

Delegates—	Leigh	Slay
Mr. Chairman	McDaniel	Smith
Aertker	Miller	Tapper
Alexander	Munson	Thistlethwaite
Bel	Nunez	Wall
Cannon	Pugh	Womack
Chehardy	Rachal	
Cowen	Segura	
Drew		
Total—22.		

The amendment not having received a majority vote of the total membership of the Convention required to add a Section to a Proposal was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

The Proposal was read, as amended.

Delegate Perez moved the final passage of the entire Proposal.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Cannon	Deshotels
Mr. Chairman	Carmouche	Dunlap
Abraham	Casey	Duval
Alario	Champagne	Edwards
Anzalone	Chatelain	Elkins
Arnette	Comar	Fayard
Asseff	Conino	Flory
Avant	Conroy	Fontenot
Badeaux	Corne	Fowler
Bergeron	Cowen	Fulco
Blair	D'Gerolamo	Gauthier
Bollinger	De Blieux	Giarrusso
Brien	Dennery	Ginn
Brown	Dennis	Goldman
Burns	Derbes	Graham
Burson		

Gravel	Leithman	Soniat
Grier	Lowe	Stagg
Hardee	McDaniel	Stephenson
Hayes	Martin	Stinson
Haynes	Mauberrret	Stovall
Heine	Maybuce	Sutherland
Hernandez	Mire	Tate
Jack	Morris	Thompson
Jackson, A.	Ourso	Tobias
Jackson, J.	Perez	Toca
Juneau	Perkins	Toomy
Kean	Planchard	Uilo
Kelly	Rayburn	Velazquez
Kilbourne	Reeves	Vesich
Kilpatrick	Riecke	Vick
Lambert	Roemer	Warren
Landrum	Roy	Wattigny
Landry, A.	Sandoz	Willis
Landry, E. J.	Schmitt	Winchester
Lanier	Shannon	Wisham
LeBleu	Singletary	Zervigon
Total—108.		

NAYS

Delegates—		
Guarisco	O'Neill	Jenkins
Newton		
Total—4.		

NOT VOTING

Delegates—		
Aertker	Munson	Tapper
Alexander	Nunez	Thistlethwaite
Bel	Pugh	Wall
Chehardy	Rachal	Weiss
Drew	Segura	Womack
Leigh	Slay	
Miller	Smith	
Total—19.		

And the Chair declared that the above Proposal was finally passed.

Motion

On motion of Delegate Abraham, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Tate, chairman, on behalf of the Committee on Style and Drafting, submitted the following report:

State of Louisiana Constitutional Convention of 1973

November 8, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Convention:

I am directed by your Committee on Style and Drafting to submit the following report:

COMMITTEE PROPOSAL No. 3—

Introduced by the Delegate Blair, Chairman, on behalf of the Committee on Legislative Powers and Functions, and Delegates Casey, Fayard, Fulco, Ginn, Juneau, Kilpatrick, Landrum, LeBreton and O'Neill:

A PROPOSAL

Making provisions for the legislative branch of government, impeachment and removal of officials, and necessary provisions with respect thereto.

With the following amendments:

COMMITTEE AMENDMENTS

Amendments proposed by Committee on Style and Drafting to Committee Proposal No. 3 by Delegate Blair, et al.

Amend first enrolled Proposal as follows:

AMENDMENT No. 1—

On page 1, at the end of line 16, delete the word "DEPARTMENT" and insert in lieu thereof "BRANCH"

AMENDMENT No. 2—

On page 1, delete lines 17 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 1. Legislative Power; Composition; Continuous Body

Section 1. (A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. The Senate shall be composed of one senator elected from each senatorial district. The House of Representatives shall be composed of one representative elected from each representative district."

AMENDMENT No. 3—

On page 1, delete lines 24 through 28, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Continuous Body. The legislature is a continuous body during the term for which its members are elected; however, a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature."

AMENDMENT No. 4—

On page 1, delete lines 29 through 35, both inclusive, in their entirety and on page 2, delete lines 1 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 2. Sessions

Section 2. (A) Annual Session. The legislature shall meet annually in regular session in the state capital for not more than sixty legislative days during a period of eighty-five calendar days. A legislative day is a calendar day on which either house is in session. No such session shall continue beyond the eighty-fifth calendar day after convening. The legislature shall convene at noon on the third Monday in April. No new matter intended to have the effect of law shall be introduced or received by either house after midnight of the fifteenth calendar day, except by a favorable record vote of two-thirds of the elected members of each house. No measure levying a new tax or increasing an existing tax shall be introduced or enacted during a regular session held in an odd-numbered year."

AMENDMENT No. 5—

On page 2, delete lines 10 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Extraordinary Session. The legislature may be convened at other times by the governor and shall be convened by the presiding officers of both houses upon written petition of a majority of the elected members of each house. The form of the petition shall be provided by law. At least five days prior to convening the legislature in extraordinary session, the governor or the presiding officers, as the case may be, shall issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened. The power to legislate shall be limited, under penalty of nullity, to the objects specifically enumerated in the proclamation. The session shall be limited to the number of days stated therein, which shall not exceed thirty calendar days."

AMENDMENT No. 6—

On page 2, delete lines 27 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Emergency Session. The governor may convene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe."

AMENDMENT No. 7—

On page 2, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. The number of members of the legislature shall be provided by law, but the number of senators shall not exceed thirty-nine and the number of representatives, one hundred five."

AMENDMENT No. 8—

On page 3, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. Qualifications; Residence and Domicile Requirements; Term; Vacancies

Section 4. (A) Age; Residence; Domicile. An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding

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two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature."

AMENDMENT No. 9—

On page 3, delete lines 7 through 26, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Domicile; Special Provisions. However, at the next regular election for members of the legislature following legislative reapportionment, an elector may qualify as a candidate from any district created in whole or in part from a district existing prior to reapportionment if he was domiciled in that prior district for at least one year immediately preceding his qualification and was a resident of the state for the two years preceding his qualification. The seat of any member who changes his domicile from the district he represents or, if elected after reapportionment, whose domicile is not within the district he represents at the time he is sworn into office, shall be vacated thereby, any declaration of retention of domicile to the contrary notwithstanding."

AMENDMENT No. 10—

On page 3, delete lines 27 and 28 in their entirety and insert in lieu thereof the following:

"(C) Term. A member of the legislature shall be elected for a four-year term."

AMENDMENT No. 11—

On page 3, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election, as provided by law."

AMENDMENT No. 12—

On page 3, delete lines 32 through 35, both inclusive, in their entirety and on page 4, delete lines 1 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 5. Legislative Reapportionment; Reapportionment by Supreme Court; Procedure

Section 5. (A) Reapportionment by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census."

AMENDMENT No. 13—

On page 4, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Reapportionment by Supreme Court. If the legislature fails to reapportion as required in Paragraph (A), the supreme court, upon petition of any elector, shall reapportion the representation in each house as provided in Paragraph (A)."

AMENDMENT No. 14—

On page 4, delete lines 10 and 11 in their entirety and insert in lieu thereof the following:

"(C) Procedure. The procedure for review and for petition shall be provided by law."

AMENDMENT No. 15—

On page 4, delete lines 12 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 6. Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion; Subpoenas; Contempt; Officers

Section 6. (A) Judging Qualifications and Elections; Procedural Rules; Discipline; Expulsion. Each house shall be the judge of the qualifications and elections of its members; shall determine its rules of procedure, not inconsistent with the provisions of this constitution; may punish its members for disorderly conduct or contempt; and may expel a member with concurrence of two-thirds of its elected members. Expulsion creates a vacancy in the office."

AMENDMENT No. 16—

On page 4, delete lines 21 through 26, both inclusive, in

their entirety and insert in lieu thereof the following:

"(B) Subpoena Power; Contempt. Each house may compel the attendance and testimony of witnesses and the production of books and papers before it, before any committee thereof, or before joint committees of the houses and may punish those in willful disobedience of its orders for contempt."

AMENDMENT No. 17—

On page 4, delete lines 27 through 34, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Officers. Each house shall choose its officers, including a permanent presiding officer selected from its membership. The presiding officers shall be the president of the Senate and the speaker of the House of Representatives. The clerical officers shall be the clerk of the House of Representatives and the secretary of the Senate, each of whom may administer oaths."

AMENDMENT No. 18—

On page 5, delete lines 1 through 6, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 7. A member of the legislature shall be privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member shall be questioned elsewhere for any speech in either house."

AMENDMENT No. 19—

On page 5, delete lines 8 through 13, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. The legislature shall enact a code of ethics prohibiting conflict between public duty and private interests of members of the legislature."

AMENDMENT No. 20—

On page 5, delete lines 14 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Quorum; Compulsory Attendance; Journal; Adjournment With Consent of Other House

Section 9. (A) Quorum. Not less than a majority of the elected members of each house shall form a quorum to transact business, but a smaller number may adjourn from day-to-day and may compel the attendance of absent members."

AMENDMENT No. 21—

On page 5, delete lines 20 through 25, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Journal. Each house shall keep a journal of its proceedings and have it published immediately after the close of each session. The journal shall accurately reflect the proceedings of that house, including all record votes. A record vote is a vote by yeas and nays, with each member's vote published in the journal."

AMENDMENT No. 22—

On page 5, delete lines 26 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Adjournment. When the legislature is in session, neither house shall adjourn for more than three days or to another place without consent of the other house."

AMENDMENT No. 23—

On page 5, delete lines 31 through 35, both inclusive, in their entirety and on page 6, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 10. There shall be a legislative auditor responsible solely to the legislature. He shall serve as a fiscal advisor to it and shall perform the duties and functions provided by law related to auditing fiscal records of the state, its agencies, and political subdivisions. He shall be elected by the concurrence of a majority of the elected members of each house and may be removed by the concurrence of two-thirds of the elected members of each house."

AMENDMENT No. 24—

On page 6, delete lines 5 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 11. Compensation of Elected Public Officials; Reduction

Section 11. The compensation of an elected public official shall not be reduced during the term for which he is elected."

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AMENDMENT No. 25—

On page 6, delete lines 9 through 19, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 13. Local or Special Laws; Notice of Intent; Publication

Section 13. No local or special law shall be enacted unless notice of the intent to introduce a bill to enact such a law has been published on two separate days, without cost to the state, in the official journal of the locality where the matter to be affected is situated. The last day of publication shall be at least thirty days prior to introduction of the bill. The notice shall state the substance of the contemplated law, and every such bill shall recite that notice has been given."

AMENDMENT No. 26—

On page 6, delete lines 21 through 23, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 14. (A) No Immunity in Contract and Tort. Neither the state nor its agencies or political subdivisions shall be immune from suit and liability in contract or for injury to person or property."

AMENDMENT No. 27—

On page 6, delete lines 24 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Waiver in Other Suits. The legislature may authorize other suits against the state, its agencies, and political subdivisions. A measure authorizing suit shall waive immunity from suit and liability."

AMENDMENT No. 28—

On page 6, delete lines 28 through 35, both inclusive, in their entirety and on page 7, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(C) Procedure; Judgments. The legislature shall provide a procedure for suits against the state, a state agency, or a political subdivision. It shall provide for the effect of a judgment, but no public property or public funds shall be subject to seizure. No judgment against the state, a state agency, or a political subdivision shall be exigible, payable, or paid except from funds appropriated therefor by the legislature or by the political subdivision against which judgment is rendered."

AMENDMENT No. 29—

On page 7, delete lines 4 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 15. The legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions."

AMENDMENT No. 30—

On page 7, delete lines 14 through 17, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 16. The style of a law enacted by the legislature shall be, "Be it enacted by the Legislature of Louisiana." It shall be unnecessary to repeat the enacting clause after the first section of an act."

AMENDMENT No. 31—

On page 7, delete lines 19 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 17. (A) Introduction; Title; Single Object; Public Meetings. The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting."

AMENDMENT No. 32—

On page 7, delete lines 30 through 33, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) No General Reference. A bill enacting, amending, or reviving a law shall set forth completely the provisions of the law enacted, amended, or revived. No system or code of laws shall be adopted by general reference to it."

AMENDMENT No. 33—

On page 7, delete lines 34 and 35 in their entirety and on page 8, delete line 1 and insert in lieu thereof the following:

"(C) Germane Amendments. No bill shall be amended in either house to make a change not germane to the bill as introduced."

AMENDMENT No. 34—

On page 8, delete lines 2 through 5, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Three Readings. Each bill shall be read at least by title on three separate days in each house. No bill shall be considered for final passage unless a committee has held a public hearing and reported on the bill."

AMENDMENT No. 35—

On page 8, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Rejected Bills; Reconsideration. No bill rejected by either house may again be introduced or considered during the same session by the house which rejected it without the consent of a majority of the members elected to that house."

AMENDMENT No. 36—

On page 8, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"(F) Concurrence in Amendments. No amendment to a bill by one house shall be concurred in by the other, and no conference committee report shall be concurred in by either house except by the same vote required for final passage of the bill. The vote thereon shall be by record vote."

AMENDMENT No. 37—

On page 8, delete lines 15 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"(G) Majority Vote; Record Vote. No bill shall become law without the favorable vote of at least a majority of the members elected to each house. Final passage of a bill shall be by record vote. In either house, a record vote shall be taken on any matter upon the request of one-fifth of the elected members."

AMENDMENT No. 38—

On page 8, delete lines 22 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 18. (A) Specific Appropriation for One Year. No money shall be withdrawn from the state treasury except through specific appropriation. Except as otherwise provided in this constitution, no appropriation shall be made under the heading of contingencies, nor shall any appropriation be made for longer than one year."

AMENDMENT No. 39—

On page 8, line 28, after "(B)" at the beginning of line 28 and before the word "All" insert "Origin in House of Representatives."

AMENDMENT No. 40—

On page 8, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) General Appropriation Bill; Limitations. The general appropriation bill shall be itemized and shall contain only appropriations for the ordinary operating expenses of government, public charities, pensions, and the public debt or interest thereon."

AMENDMENT No. 41—

On page 9, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"(D) Specific Purpose and Amount. All other bills for appropriating money shall be for a specific purpose and amount."

AMENDMENT No. 42—

On page 9, delete lines 3 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"(E) Extraordinary Session. Except for expenses of the legislature, a bill appropriating money in an extraordinary session convened after final adjournment of the regular session in the last year of the term of office of a governor shall require the favorable vote of three-fourths of the elected members of each house."

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AMENDMENT No. 43—

On page 9, delete lines 10 through 14, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 19. (A) Signing; Delivery. A bill passed by both houses shall be signed by the presiding officers and delivered to the governor, within three days after passage."

AMENDMENT No. 44—

On page 9, delete lines 15 and 16 in their entirety and insert in lieu thereof the following:

"(B) Resolutions. No joint, concurrent, or other resolution shall require the signature or other action of the governor to become effective."

AMENDMENT No. 45—

On page 9, delete lines 18 through 22, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 20. (A) Gubernatorial Action. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him if the legislature is in session, or within twenty days if the legislature is adjourned."

AMENDMENT No. 46—

On page 9, delete lines 23 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Veto. If the governor does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in session. If the legislature adjourns before he vetoes or returns one or more bills, he shall return them, with his veto message, as provided by law. A bill returned and subsequently approved by two-thirds of the elected members of each house shall become law."

AMENDMENT No. 47—

On page 9, delete lines 32 through 35, both inclusive, in their entirety and on page 10, delete lines 1 through 12, both inclusive, in their entirety and insert in lieu thereof the following:

"(C) Veto Session. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house.

No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene."

AMENDMENT No. 48—

On page 10, delete lines 20 through 29, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 22. Only the legislature may suspend a law, and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law. After the effective date of this constitution, every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the sixtieth day after final adjournment of the next regular session."

AMENDMENT No. 49—

On page 10, delete lines 33 through 35, both inclusive, in their entirety and on page 11, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 23. Neither the state nor any political subdivision shall grant a perpetual franchise or privilege; however, the legislature may authorize the organization of corporations for perpetual or indefinite duration. Every corporation shall be subject to dissolution or forfeiture of its charter or franchise, as provided by general law."

AMENDMENT No. 50—

On page 11, delete lines 6 through 9, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 24. (A) Persons Liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office, of a felony, malfeasance, or for gross misconduct."

AMENDMENT No. 51—

On page 11, delete lines 10 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Procedure. Impeachment shall be by the House of Representatives and trial by the Senate, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law."

AMENDMENT No. 52—

On page 11, delete lines 19 through 24, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 25. Removal by Suit; Officials Subject. Section 25. For the causes enumerated in Paragraph (A) of Section 24 of this Article, the legislature shall provide by general law for the removal by suit of any state, district, parochial, ward, or municipal official except the governor, lieutenant governor, and judges of the courts of record."

AMENDMENT No. 53—

On page 11, delete lines 26 through 30, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 26. The legislature shall provide by general law for the recall by election of any state, district, parochial, ward, or municipal official except judges of the courts of record. The sole issue at a recall election shall be whether the official shall be recalled."

AMENDMENT No. 54—

On page 11, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. (A) Full Term. Members of the legislature shall take office thirty days prior to the convening date of the first regular session of each term for which they are elected."

AMENDMENT No. 55—

On page 12, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Filling Vacancy. A person elected to fill a vacancy in an unexpired legislative term shall take office thirty days after the secretary of state promulgates the election returns."

AMENDMENT No. 56—

On page 9, delete lines 23 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Veto. If the governor does not approve a bill, he may veto it. When he vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in session. If the governor returns or vetoes a bill after the legislature adjourns, he shall return it, with his veto message, as provided by law. A bill returned and subsequently approved by two-thirds of the elected members of each house shall become law."

NOTE: If this amendment is adopted, it will replace Amendment No. 46, previously adopted. The Committee on Style and Drafting and the Committee on Legislative Powers and Functions recommend the adoption of this amendment because, as adopted, the second sentence of Section 20 (B) possibly could mean that if the governor vetoed even one bill before the legislature adjourned, the method provided by law for the return of vetoed bills would be inapplicable. The committee believes this amendment satisfies the apparent intent of the convention that the legislature is to provide the method for the return of vetoed bills after the legislature has adjourned.

AMENDMENT No. 57—

On page 10, delete lines 14 through 18, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 21. All laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date."

NOTE: The Committee on Style and Drafting and the

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Committee on Legislative Powers and Functions recommend the adoption of this amendment because, as adopted originally by the convention, Section 21 appears intended to prohibit a law going into effect before it is published in the official state journal. In view of the fact that problems could arise if there are technical or practical difficulties in publishing the laws, resulting in confusion about effective dates and perhaps in the failure of necessary legislation to have an effect, this amendment would require publication, but would not have effectiveness conditioned on publication.

AMENDMENT No. 58—

On page 11, delete lines 32 through 35, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 27. (A) Full Term. Members of the legislature shall take office on the same day as the governor and other officials elected statewide."

AMENDMENT No. 59—

On page 12, delete lines 1 through 3, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Filling Vacancy. A person elected to fill the remainder of an unexpired legislative term shall take office within thirty days after the secretary of state promulgates the election returns."

NOTE: If Amendments No. 58 and No. 59 are adopted, they will replace Amendments No. 54 and No. 55, previously adopted. The Committee on Style and Drafting and the Committee on Legislative Powers and Functions recommend their adoption because some disagreement exists about the text of Section 27(A) & (B) which the convention actually adopted. A check of the verbatim transcript reveals that this amendment was in fact the language adopted by the convention.

AMENDMENT No. 60—

On page 3, delete lines 29 through 31, both inclusive, in their entirety and insert in lieu thereof the following:

"(D) Vacancy. A vacancy in the legislature shall be filled for the remainder of the term only by election, by the electors of the respective district, as provided by law."

NOTE: If this amendment is adopted, it will replace Amendment No. 11, previously adopted. The Committee on Style and Drafting recommends the adoption of this amendment because as adopted by the convention, the possibility exists, under the language in Section 4(D), that the legislature could provide by law that a vacancy in legislative office would be filled by an election held among the members of the house in which the vacancy occurred.

Respectfully submitted,

ALBERT TATE, JR.,
Chairman.

And the above Proposal, together with the amendments proposed by the Committee on Style and Drafting, lies over under the Rules under Proposals on Calendar for Approval of Final Styling.

Motion

On motion of Delegate Tobias the following manual on Style and Drafting was ordered inserted in the Official Journal:

MANUAL ON STYLE AND DRAFTING

February 1973

Prepared and Adopted

by the

Committee on Style and Drafting

INTRODUCTION

The purpose of this Manual on Style and Drafting is to suggest guidelines to assure the most effective and consistent preparation of the proposed constitution for the State of

Louisiana. The guidelines include organizational format, style, punctuation, capitalization, citation of authority, and similar matters. The intent of these guidelines is to produce clear, consistent, specific, and uniform provisions. (See C.C./'73 Rules of Procedure 47 and 50, Appendix I)

GENERAL GUIDELINES

1. The general rule of state constitutional interpretation is: The provisions of a state constitution are limitations on the power of the people exercised through the legislature; what is not prohibited by the constitution is permitted.¹ Therefore, the legislature is empowered to enact any law not prohibited by the constitution; it is unnecessary to specify, for example: The legislature has the power to enact laws providing for punishment for crime. In the absence of constitutional prohibition, the legislature has that power.

2. The rules of the convention provide the format for proposals. (See C.C./'73 Rules of Procedure 41, Appendix II)

3. The committee recommends that each substantive committee submit, in addition to its formal proposal, a committee report which will indicate with each section of its proposal the source of the section, if any (e.g., Article and Section of the Constitution of 1921), and a very brief statement of the reasons for the proposed section. These committee reports will aid the delegates in understanding what is being done and why. In addition, they may be of aid in the future interpretation of constitutional provisions.

Example

PROPOSED SECTION:

Article ---, Section ---. **Rights of Assembly and Petition**
Section ---. The people have the right to assemble peaceably and to seek from those vested with the powers of government a redress of grievances.

Source: La. Const. Art. I, §5 (1921).

Comment: Modernization of language; no change of substance.

4. To the extent possible delegate proposals should conform to the form of proposals submitted by the substantive committees.

5. If there is a close division among the members of any substantive committee on any proposed section, that committee may wish to consider submitting alternative proposals.

6. Major substantive subjects should be set forth in several major articles (e.g., Article I—Bill of Rights; Article II—etc.). Under each article the provisions will be divided, where necessary, into consecutively designated sections, paragraphs, and subparagraphs as follows:

Example

Article II, Section 1. (Heading)

(A)----(Paragraph designation)

(B)----

(1)----(Subparagraph designation)

(2)----

(a)----

(b)----

(i)----

(ii)----

Every effort should be made to avoid use of subparagraph designations below (1), (2) in the above example.

Note that each section, but not each paragraph or subparagraph, should have a brief heading describing what that section contains or provides. The heading serves as a quick guide to content.

7. Unless in conflict with a provision of this Manual: (a) Webster's Seventh New Collegiate Dictionary will govern spelling, abbreviation, punctuation, and capitalization; (b) Strunk and White's The Elements of Style (2nd Edition) will govern style; and (c) A Uniform System of Citation (11th Edition) published by the Harvard Law Review will govern citation of all legal authority.

SPECIFIC RULES

In the interest of consistency, the following specific rules

¹ Kane v. La. Com'n on Governmental Ethics, 250 La. 855, 199 So.2d 900 (1967); State v. Macaluso, 235 La. 1019, 106 So.2d 455 (1958).

are set forth with regard to: A. Numerals and Dates, (Rules 1-4), B. Words and Phrases (Rules 5-9), C. Style and Composition (Rules 10-18), D. Punctuation and Capitalization (Rules 19-26), and E. Citation of Louisiana Legal Authority (Rule 27).

A. Numerals and Dates

Rule 1. Spell out all numerals, except dates.

Rule 2. Dates should be written as follows: "April 1, 1973." Do not add "st", "nd", "rd", or "th" to the day of the month if it is followed by the year. If the year is not stated, the day of the month should be spelled out.

Rule 3. When describing a period of time, make clear which are the first and last days.

Example

Use the form "after June tenth . . . and before July first." Do not use the form "from June tenth . . . [to] [until] [by] July first," nor the form "between June tenth and July first."

Rule 4. If a period of time is measured in whole days only, say "day" or "date" instead of "time."

Example

Do not say "thirty days after the time when . . ." but say "thirty days after the day on which . . ."

B. Words and Phrases

Rule 5. Omit needless words and use short words and sentences. If a word has the same meaning as a phrase, use the word.

Examples

Do not Use:	Suggested:
at the time	when
by means of	by
cause it to be done	have it done
does not operate to	does not
during such time as	while
during the course of	during
for the purpose of ----ing	to -----
for the reason that	because
give consideration to	consider
have a need of	need
in cases in which	when, where, if
in order to	to
in the event that, in case	if
in the interests of	for
is able to	can
is applicable	applies
is binding upon	binds
is unable to	cannot
is directed, it is the duty	shall
it shall be lawful	may
make application	apply
on the part of	by
period of time	period, time
provided that	if, however,
provisions of law	law
pursuant to	under
subsequent to	after
to the effect that	that
until such time as	until
under the provisions of	under
with the object of ----ing	to -----

Rule 6. Select familiar words and phrases that best express the intended meaning according to common and approved usage. Avoid hackneyed words of reference.

Rule 7. If the duty is to be mandatory, use "shall", "must", or "directed". If the duty is discretionary, use "may", "authorized", or "permitted".

Rule 8. Whenever "there are", "there is", or "it is" appear, revise the sentence.

Example

Incorrect: "There are numerous jurisdictions which apply this principle."

Suggested: "Numerous jurisdictions apply this principle."

Rule 9. Avoid abbreviations if possible, except in citation of authority.

C. Style and Composition

Rule 10. Generally, short sentences are preferred.

Rule 11. Use active voice, indicative mood, and present tense to facilitate readability.

Example

Incorrect: "It was held by the court in the case of Doe v. Roe that a right of action was stated by the allegations in the petition."

Suggested: "In Doe v. Roe, the court held that the allegations in the petition state a right of action."

Rule 12. Use the singular noun wherever possible.

Example

Incorrect: "District courts may enact rules for the proper administration of business."

Suggested: "A district court may enact rules for the proper administration of business."

Rule 13. Be concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences.

Rule 14. Unrelated ideas should be developed in separate sentences or paragraphs. Unrelated concepts should be in separate sections.

Rule 15. Avoid defining words or terms where possible. For the purposes of a constitution, words and terms should be self-explanatory.

Rule 16. Reference to statutorily created departments, agencies, officers, or the like should be avoided, so that they will not be given constitutional status. Reference to statutory material should be avoided in order that the constitution be complete in itself.

Rule 17. Enumerations may be interpreted as excluding all items not enumerated. Therefore, care should be taken to indicate whether the enumeration, where used, is illustrative or exclusive. Exceptions to a provision may be interpreted as being the only ones permitted.

Rule 18. To indicate generally that there are exceptions to the application of a constitutional provision, use "except as otherwise provided by this constitution [or this Article]." If an exception is specific, and refers to a designated provision, use "except as provided by [Article VI]."

Place an exception at the beginning of a sentence when (1) the exception is specific, (2) the exception is intended to modify both or all of two or more separate clauses in the sentence, or (3) clarity or emphasis is promoted by such placement.

D. Punctuation and Capitalization

Rule 19. Avoid using italics, parentheses, or dashes.

Rule 20. Use commas before "and" and "or" in a series of three or more words or phrases. Use a comma after such words as "hence," "therefore," and "however."

Example

"The Public Service Commission shall regulate telephone, utility, and railroad tariffs within the state."

Rule 21. Do not use hyphens after the prefixes "re" or "non" unless the dictionary so directs. If an alternative is permitted, use the nonhyphenated form. Use a hyphen between words that serve as a single adjective before a noun. Groups of three or more words are hyphenated. When the base words begins with a capital letter, a prefix is usually joined with a hyphen.

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Examples

reestablish nonresident
self-serving day-to-day
non-Communist

Rule 22. Capitalize a governmental title when it precedes a proper name.

Examples

the president
the governor
Governor Edwards
speaker of the House
Speaker of the House Henry
secretary of state
Secretary of State Wade O. Martin, Jr.
director of the State Department of Public Safety
sheriff
Sheriff Jones

Rule 23. Capitalize the names of governmental departments and political subdivisions.

Examples

State Department of Public Safety
Department of Public Works
police jury
Jefferson Parish Police Jury
police jury of the parish of Jefferson
school board
Caddo Parish School Board
school board of Caddo Parish
school board of the parish of Caddo
the legislature of Louisiana
the Louisiana Legislature
the legislature
the House of Representatives
the Senate

Rule 24. Capitalize political terms that form an integral part of a specific proper name.

Examples

the parish
the parish of Jefferson
Jefferson Parish
levee district
Pontchartrain Levee District
State of Louisiana
the city
the city of Baton Rouge
Bossier City

Rule 25. Capitalize the names of specific courts.

Examples

a district court
Nineteenth Judicial District Court
Criminal District Court for the Parish of Orleans
a court of appeal
Court of Appeal for the First Circuit
Supreme Court
Supreme Court of Louisiana

Rule 26. Capitalize the official names of documents.

Examples

the Constitution of the United States
the Constitution of the State of Louisiana
the constitutions of the several states
the proposed constitution
this constitution

E. Citation of Louisiana Legal Authority

Rule 27. Certain legal authorities and references, useful as explanatory material, are found in case books, statutory provisions, legal works, and other documents. Citation of authority, where used, shall be abbreviated as shown in the following examples:

Cases:

Roe v. Doe, 240 La. 789, 150 So.2d 70 (1973)
Jones v. Smith, 261 So.2d 605 (La. App. 1973)
Jack v. Brown, 2 Mart. (O.S.) 406 (1819)
Cooper v. White, 6 Mart. (N.S.) 510 (1840)
Simon v. Ponder, 4 Rob. 416 (1842)

Statutes:

Act 2 of 1972
La. R. S. 40:1140
La. Civ. Code Art. 916
La. Code Civ. P. Art. 965
La. Const. Art. VII, §2 (1921)
22 Tul. L. Rev. 222 (1960)
La. R.S. 13:3601 (as amended by Act 22 of 1958)
Act 3 of Extra. Sess. of 1972

APPENDIX I

Rule No. 47. **Style and Drafting.** When all proposals have been processed, the entirety of those adopted shall be sent to the Committee on Style and Drafting for orderly arrangement in the new proposed Constitution, to the end that the document shall be properly coordinated and uniform in style, and such final draft must be approved by a majority of the delegates to the Convention.

Rule No. 50.

2. **Committee on Style and Drafting**, which shall have control over literary style, consistency, arrangement and numbering. The committee shall have authority to rephrase or to regroup proposed language, but shall have no authority to change the sense or purpose of any proposal referred to it. Where a proposal referred to it is inconsistent or in conflict with a proposal already acted on favorably by the convention the committee shall at the third reading (Rule 44H) so notify the convention of that inconsistency or conflict and wait upon its instructions.

APPENDIX II

Rule No. 41. **Form of Proposals.** Delegate proposals shall be distinguished from committee proposals and all proposals shall be separately numbered. All proposals shall be introduced or submitted in eight copies. All proposals must be typed, double spaced on 8½-by-14-inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page. The original of all proposals shall remain in the custody of the Convention. The secretary shall, as soon as any proposal is printed, place it on the desks of the delegates. The caption of each proposal shall be substantially in the following form:

Constitutional Convention of Louisiana of 1973
----- PROPOSAL -----

(Committee or Delegate)

(Number)

Introduced by -----

(Name of Delegate or Committee Chairman)

Each proposal shall also contain a short title stating concisely the general nature of its subject matter.

Leaves of Absence

Delegate Tate—½ day.
Delegate Ullo—½ day.
Delegate Drew—1 day.
Delegate Chehardy—1 day.
Delegate Vesich—½ day.

Adjournment

Delegate Stag moved that the Convention do now adjourn until Friday, November 9, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, November 9, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

EIGHTY-SECOND DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Friday, November 9, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 a.m., by Hon. Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—		
Mr. Chairman	Fowler	Perkins
Aertker	Fulco	Planchar
Alario	Gauthier	Rachal
Anzalone	Giarrusso	Rayburn
Arnette	Ginn	Reeves
Asseff	Goldman	Riecke
Avant	Graham	Roemer
Badeaux	Gravel	Roy
Bergeron	Grier	Sandoz
Blair	Hardee	Schmitt
Bollinger	Hayes	Segura
Brien	Haynes	Shannon
Brown	Heine	Singletary
Burns	Hernandez	Slay
Burson	Jack	Soniat
Cannon	Jackson, J.	Stagg
Carmouche	Jackson, A.	Stephenson
Casey	Jenkins	Stinson
Champagne	Juneau	Stovall
Chatelain	Kean	Sutherland
Chehardy	Kelly	Tapper
Comar	Kilbourne	Tate
Conino	Kilpatrick	Thompson
Conroy	Lambert	Tobias
Corne	Landrum	Toca
Cowen	Landry, A.	Toomy
D'Gerolamo	Landry, E. J.	Ullo
De Blieux	Lanier	Velazquez
Dennerly	LeBleu	Vesich
Dennis	Leigh	Vick
Derbes	Leithman	Warren
Deshotels	McDaniel	Wattigny
Drew	Martin	Weiss
Dunlap	Maybuce	Willis
Duval	Mire	Winchester
Edwards	Morris	Wisham
Elkins	Newton	Womack
Fayard	O'Neill	Zervigon
Flory	Ourso	
Fontenot	Perez	
Total—118.		

ABSENT

Delegates—		
Abraham	Mauberret	Smith
Alexander	Miller	Thistlethwaite
Bel	Munson	Wall
Guarisco	Nunez	
Lowe	Pugh	
Total—13.		

The Chairman announced that there were 118 members present and a quorum.

Prayer

Prayer was offered by Delegate Rachal.

Pledge of Allegiance

Delegate Giarrusso led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal was dispensed with.

On motion of Delegate Roy, the Journal of yesterday was adopted.

Morning Hour

**Proposals
Delegate and Committee**

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Motion

On motion of Delegate Aertker Committee Proposal No. 7, was taken up out of its regular order and acted upon as follows:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverberg, Thistlewaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Section 1. Educational Goals

Section 1. The goal of the public educational system shall be to provide, at all stages of human development, learning environments and experiences that are humane, just, and designed to promote excellence in order that every individual may be afforded the opportunity to develop to his full potential.

Read.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates A. Jackson and Haynes to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 17, after the word "afforded" delete the word "the" and insert in lieu thereof the words "an equal"

Delegate A. Jackson moved the adoption of the amendment.

Delegate Singletary objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Champagne	Deshotels
Asseff	Chehardy	Dunlap
Bergeron	Comar	Flory
Blair	Conino	Fowler
Brien	Conroy	Fulco
Brown	D'Gerolamo	Giarrusso
Burns	De Blieux	Ginn
Burson	Dennerly	Goldman
Casey	Dennis	Graham

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Gravel	Mire	Stephenson
Grier	Newton	Stovall
Hayes	Ourso	Tate
Haynes	Perkins	Thompson
Jackson, A.	Rachal	Tobias
Jackson, J.	Reeves	Toomy
Kelly	Riecke	Ullo
Kilpatrick	Roemer	Velazquez
Lambert	Roy	Vesich
Landrum	Sandoz	Vick
Landry, E. J.	Schmitt	Warren
Leithman	Shannon	Weiss
Lowe	Slay	Wisham
Martin	Soniat	Zervigon
Maybuce	Stagg	
Total—71.		

NAYS

Delegates—		
Alario	Elkins	Leigh
Anzalone	Hardee	McDaniel
Arnette	Heine	Morris
Avant	Hernandez	O'Neill
Badeaux	Jenkins	Planchard
Bollinger	Juneau	Singletary
Cannon	Kean	Stinson
Chatelain	Kilbourne	Sutherland
Corne	Landry, A.	Wattigny
Cowen	Lanier	Willis
Duval	LeBleu	Winchester
Total—33.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Pugh
Abraham	Gauthier	Rayburn
Alexander	Guarisco	Segura
Bel	Jack	Smith
Carmouche	Mauberret	Tapper
Derbes	Miller	Thistlethwaite
Drew	Munson	Toca
Erwards	Nunez	Wall
Fayard	Perez	Womack
Total—27.		

And the amendment was adopted.

Delegate A. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete line 12 in its entirety and insert in lieu thereof the word "Preamble" and on line 13, at the beginning of the line delete "Section 1."

Delegate Conroy moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Avant	Burns
Anzalone	Badeaux	Cannon
Arnette	Bergeron	Carmouche
Asseff	Bollinger	Casey

Chatelain	Hardee	Ourso
Chehardy	Hayes	Perkins
Conino	Heine	Planchard
Conroy	Hernandez	Riecke
Corne	Jenkins	Sandoz
Cowen	Juneau	Shannon
D'Gerolamo	Kean	Singletary
De Blieux	Kilbourne	Slay
Dennery	Landry, A.	Stagg
Dennis	Landry, E. J.	Stinson
Deshotels	Lanier	Sutherland
Dunlap	LeBleu	Tate
Duval	Leigh	Tobias
Elkins	Lowe	Toomy
Fulco	McDaniel	Ullo
Giarrusso	Martin	Wattigny
Goldman	Mire	Weiss
Graham	Morris	Willis
Gravel	Newton	Winchester
Grier	O'Neill	Zervigon
Total—72.		

NAYS

Delegates—		
Aertker	Jackson, J.	Schmitt
Blair	Kelly	Soniat
Brien	Kilpatrick	Stephenson
Burson	Landrum	Stovall
Champagne	Leithman	Thompson
Comar	Maybuce	Velazquez
Flory	Rachal	Vesich
Fowler	Reeves	Vick
Ginn	Roemer	Warren
Haynes	Roy	Wisham
Jackson, A.		
Total—31.		

NOT VOTING

Delegates—		
Mr. Chairman	Gauthier	Pugh
Abraham	Guarisco	Rayburn
Alexander	Jack	Segura
Bel	Lambert	Smith
Brown	Mauberret	Tapper
Derbes	Miller	Thistlethwaite
Drew	Munson	Toca
Edwards	Nunez	Wall
Fayard	Perez	Womack
Fontenot		
Total—28.		

And the amendment was adopted.

Delegate Conroy moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 7, Section 1 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	D'Gerolamo	Hernandez
Alario	De Blieux	Jackson, A.
Anzalone	Dennery	Jackson, J.
Asseff	Dennis	Juneau
Avant	Deshotels	Kean
Bergeron	Dunlap	Kelly
Blair	Duval	Kilpatrick
Bollinger	Elkins	Lambert
Brien	Flory	Landrum
Burns	Fowler	Landry, A.
Burson	Fulco	Landry, E. J.
Cannon	Giarrusso	Lanier
Carmouche	Ginn	LeBleu
Casey	Goldman	Leigh
Champagne	Graham	Leithman
Chatelain	Gravel	Lowe
Comar	Grier	McDaniel
Conino	Hardee	Martin
Conroy	Hayes	Maybuce
Corne	Haynes	Mire
Cowen	Heine	Morris

Newton	Singletary	Ullo
Perkins	Slay	Vesich
Planchard	Stagg	Vick
Rayburn	Stephenson	Wattigny
Reeves	Stinson	Weiss
Riecke	Stovall	Willis
Roemer	Sutherland	Winchester
Roy	Tate	Wisham
Sandoz	Thompson	Zervigon
Schmitt	Tobias	
Shannon	Toomy	

Total—94.

NAYS

Delegates—		
Arnette	Kilbourne	Soniata
Badeaux	O'Neill	Velazquez
Jenkins	Rachal	Warren

Total—9.

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Pugh
Abraham	Gauthier	Segura
Alexander	Guarisco	Smith
Bel	Jack	Tapper
Brown	Mauberrret	Thistlethwaite
Chehardy	Miller	Toca
Derbes	Munson	Wall
Drew	Nunez	Womack
Edwards	Ourso	
Fayard	Perez	

Total—28.

And the Chair declared that the above Section was finally passed.

Delegate Haynes moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Section 2. Pubic Educational System

Section 2. The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system consisting of all public schools and institutions of learning supported in whole or in part by state funds, the funds of any political subdivision thereof, or both.

Read.

Delegate Rachal sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Rachal to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 22, after the word "system" insert a period "." and delete the remainder of the line and delete lines 23, 24, and 25 in their entirety.

Delegate Rachal moved the adoption of the amendment.

Delegate Sutherland objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Anzalone	Avant
Alario	Arnette	Bergeron

Bollinger	Hardee	Rachal
Brien	Hayes	Rayburn
Brown	Haynes	Reeves
Burns	Heine	Riecke
Burson	Jack	Roemer
Carmouche	Jackson, A.	Roy
Casey	Jackson, J.	Sandoz
Champagne	Jenkins	Schmitt
Chatelain	Juneau	Singletary
Chehardy	Kelly	Soniata
Comar	Kilbourne	Stagg
Conino	Kilpatrick	Stephenson
Conroy	Lambert	Stovall
Corne	Landrum	Tate
Cowen	Landry, A.	Thompson
D'Gerolamo	Landry, E. J.	Tobias
De Blieux	Lanier	Toca
Dennery	LeBleu	Toomy
Dennis	Leigh	Ullo
Deshotels	Leithman	Velazquez
Fayard	Martin	Vesich
Flory	Maybuce	Vick
Fowler	Mire	Warren
Fulco	Morris	Wattigny
Gauthier	Newton	Weiss
Giarrusso	O'Neill	Willis
Goldman	Perez	Winchester
Graham	Perkins	Wisham
Gravel	Planchard	Zervigon

Total—93.

NAYS

Delegates—		
Asseff	Elkins	McDaniel
Badeaux	Grier	Slay
Cannon	Hernandez	Stinson
Dunlap	Kean	Sutherland

Total—12.

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Pugh
Abraham	Ginn	Segura
Alexander	Guarisco	Shannon
Bel	Lowe	Smith
Blair	Mauberrret	Tapper
Derbes	Miller	Thistlethwaite
Drew	Munson	Wall
Duval	Nunez	Womack
Edwards	Ourso	

Total—26.

And the amendment was adopted.

Delegate Rachal moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 7, Section 2 was read, as amended.

Delegate Carmouche moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Conino	Graham
Aertker	Conroy	Gravel
Alario	Corne	Grier
Anzalone	Cowen	Hardee
Arnette	D'Gerolamo	Hayes
Asseff	Dennery	Hernandez
Avant	Derbes	Jackson, J.
Badeaux	Deshotels	Juneau
Bergeron	Dunlap	Kelly
Bollinger	Elkins	Kilbourne
Brien	Fayard	Kilpatrick
Burson	Flory	Lambert
Cannon	Fowler	Landrum
Carmouche	Fulco	Landry, A.
Casey	Gauthier	Landry, E. J.
Champagne	Giarrusso	Lanier
Chatelain	Ginn	LeBleu
Chehardy	Goldman	Leigh

Leithman	Roy	Thompson
McDaniel	Sandoz	Tobias
Maybucc	Schmitt	Toca
Mire	Shannon	Toomy
Morris	Singletery	Ulls
Newton	Slay	Velazquez
O'Neill	Soniat	Warren
Perkins	Stagg	Wattigny
Planchard	Stinson	Weiss
Rachal	Stovall	Willis
Reeves	Sutherland	Winchester
Riecke	Tapper	Wisham
Roemer	Tate	Zervigon
Total—93.		

NAYS

Delegate Jenkins.
Total—1.

NOT VOTING

Delegates—		
Abraham	Guarisco	Perez
Alexander	Haynes	Pugh
Bel	Heine	Rayburn
Blair	Jack	Segura
Brown	Jackson, A.	Smith
Burns	Kean	Stephenson
Comar	Lowe	Thistlethwaite
De Blieux	Martin	Vesich
Dennis	Maubert	Vick
Drew	Miller	Wall
Duval	Munson	Womack
Edwards	Nunez	
Fontenot	Ourso	
Total—37.		

And the Chair declared that the above Section was finally passed.

Delegate Carmouche moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg in the Chair

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be appointed by the State Board of Elementary and Secondary Education for a term not to exceed four years.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents and such additional qualifications as may be fixed by law.

(C) Functions. The powers, duties, responsibilities, and salary of the state superintendent of public education shall be prescribed by law.

Read.

Delegate Aertker moved that action on the above Section be deferred at this time.

Delegate Flory objected.

By a vote of 55 yeas and 41 nays the Convention deferred action on Section 3 at this time.

Chairman Henry in the Chair

Motion

On motion of Delegate A. Landry the communication from former Delegate Silverberg was ordered inserted in the Official Journal as follows:

Ladies and Gentlemen, Delegates to the Constitutional Convention: It is a personal tragedy to me that I am unable to be with you today, and to deliver these remarks in person. I have worked hard in this convention, and have spent much

time in its deliberations. In so doing, I was afforded a rare opportunity to "bone up" for the job, and especially for that portion of it dealing with higher education in the State of Louisiana.

A full year before the Convention opened I was privileged to be a member of a lay committee which made an exhaustive study of the governance of higher education in Louisiana and elsewhere. In that capacity I heard testimony from the advocates of every conceivable system of governance: superboards, single boards, multiple boards, no boards. In the course of months I helped to put all these systems under the microscope in an honest effort to determine which type of governance might fit the special situation here in Louisiana. As a member of the Convention's Education and Welfare Committee, I also took part in the more than six months of deliberations which culminated in the adoption of Committee Proposal Number 7. I am convinced that Committee Proposal 7 is the correct course for Louisiana.

By way of review, it provides for a Board of Regents to be responsible for over-all planning and coordination of the entire system of higher education, and separate supervisory boards—one to conduct day-to-day management of the campuses of the LSU System, another to perform the same management function for all other state institutions of higher education.

Our committee gave due consideration to a number of alternative proposals. We patiently listened to all sorts of testimony, including even that from a newspaper reporter which later was found to be totally erroneous. I found nothing then, nor anything in some of the Johnny-come-lately proposals which have surfaced recently which would alter my feelings that Committee Proposal 7 is the best plan for higher education in Louisiana.

It has been proposed that all details of governance of higher education be omitted from the new Constitution. To my way of thinking no person who lived through the Louisiana scandals of the 1930's could take such a proposal seriously, merely in the interests of brevity. The protection of our colleges and universities must be spelled out in detail, and must be afforded constitutional status so that it will bridge any changes of administration or political upheavals that may occur in the future. In this case, brevity must be sacrificed for the sake of continuity and stability.

It has also been proposed that the total governance of higher education be entrusted to a single board, which would presumably attend to all the planning, coordination and day-to-day management of the 19 units of higher education in the state. Concerning this plan, I can only repeat what I have been saying for months: that it is a practical impossibility. There is undoubtedly something to be said for a single-board system in small states where only a minimal number of institutions are to be governed. The overwhelming burden of experience around the nation is that it cannot possibly work with as many institutions as Louisiana now has. Somewhere, some time, something has to give; and the evidence is that in the press of day-to-day housekeeping, it's always the planning and coordination that finishes last.

I am firmly persuaded that the committee's Proposal 7 constitutes the last, best hope for higher education in Louisiana. It will enable us to change what is wrong with our system without destroying the continuity of what is good—and there is much that is worth keeping.

One of the things I like best about this plan is that it does not represent any special pleading on behalf of any single institution or section of the State. The protections that it affords are of equal benefit to every institution in Louisiana, bar none. I could never have supported it otherwise because, although I am an alumnus of the state university, I am also a long-time resident of a city where another state institution is located.

Let me stress again that this plan has the strong, powerful "super-board" in it. The Board of Regents is empowered with complete mission control and the power of the purse—budgetary responsibility. It is also mandated to develop a formula for the equitable distribution of funds. But it is not to be burdened with the day-to-day operating problems of any institution. The two subordinate boards will handle the supervision and management. This is very much similar in practice to what we have in elementary and secondary education today—that is, a State Board of Education to set state-

wide policy, and 66 local school boards to execute those policies.

It was my fond hope that I would be with you today to follow this job through to its conclusion, because I feel very strongly about what we are doing. Since the condition of my health has made that impossible, I have entrusted my thoughts to my friend and colleague, Ambroise Landry, in the hope that you will see fit to support the majority report of the Health, Education & Welfare Committee. It has my wholehearted endorsement.

Thank you for listening to my remarks. Please accept my sincere best wishes for a successful Convention.

Sincerely,

JOE N. SIVERBERG

Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control, and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction, as provided by law. The board shall have such other specific powers, duties, and responsibilities as are provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; Terms. The board shall consist of three members who shall be appointed by the governor, with the consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or the legislature, as the case may be, in a manner as to effectuate this purpose.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

Read.

Delegate Leithman sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leithman to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 32, both inclusive in their entirety and on page 3, delete line 1, in its entirety, and insert in lieu thereof the following:

"Section 4. Boards of Education

Section 4. (A) There is created a body corporate, known as the Board of Public Education. The board shall supervise, control, and have budgetary responsibility for all precollegiate public education. The board shall have such other specific powers, duties, and responsibilities as are provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees. The board shall consist of eleven members. One member shall be elected from each of the congressional districts into which the state is divided and an additional number of members shall be appointed by the governor, with the consent of the Senate, from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose. The board shall elect a chairman to serve for such terms as it may deem appropriate.

(B) There is created a body corporate known as the Board of Regents. The board shall have full power and authority to supervise, coordinate, and have budgetary responsibility for all public higher education except that the board may provide for governing boards to manage each college and university. The board shall consist of eleven members. One member shall be elected from each of the congressional districts into which the state is divided and an additional number of members shall be appointed by the governor, with the consent of the Senate, from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose. The board shall elect a chairman to serve for such terms as it may deem appropriate.

(C) There is created a body corporate, known as the State Board of Education, which shall be composed of the Board of Public Education and the Board of Regents. The State Board of Education shall be responsible for long-range planning, coordination and evaluation of policies and programs, and submission of unified budget requests for the state public educational system. It shall have such other powers, duties, and responsibilities as are provided in this Article and by law. The board shall consist of twenty-two members, eleven members each from the Board of Public Education and the Board of Regents. The board shall elect a chairman to serve for such term as it may deem appropriate."

Delegate Leithman moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fowler	Shannon
Alario	Gauthier	Soniat
Badeaux	Giarrusso	Stovall
Bergeron	Haynes	Toca
Bollinger	Jackson, A.	Toomy
Casey	Jackson, J.	Ullo
Chatelain	Juneau	Velazquez
Chehardy	Kelly	Vesich
Conino	Leithman	Vick
Conroy	Rachal	Warren
Corne	Reeves	Weiss
D'Gerolamo	Roemer	Willis
De Blieux	Schmitt	Zervigon
Derbes		
Total—39.		

NAYS

Delegates—	Fulco	Maybuce
Aertker	Ginn	Mire
Anzalone	Goldman	Morris
Arnette	Graham	O'Neill
Asseff	Gravel	Perkins
Avant	Grier	Planchard
Brien	Hardee	Riecke
Brown	Hayes	Roy
Burns	Heine	Sandoz
Bursen	Hernandez	Singletary
Cannon	Jack	Slay
Carmouche	Jenkins	Stagg
Champagne	Kean	Stephenson
Cowen	Kilbourne	Stinson
Dennery	Kilpatrick	Sutherland
Dennis	Lambert	Tate
Deshotels	Landry, A.	Thompson
Drew	Landry, E. J.	Wattigny
Dunlap	Lanier	Winchester
Elkins	Leigh	Wisham
Fayard	McDaniel	
Flory	Martin	
Fontenot		
Total—64.		

NOT VOTING

Delegates—	Bel	Duval
Mr. Chairman	Blair	Edwards
Abraham	Comar	Guarisco
Alexander		

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Landrum	Nunez	Tapper
LeBleu	Ourso	Thistlethwaite
Lowe	Perez	Tobias
Mauberret	Pugh	Wall
Miller	Rayburn	Womack
Munson	Segura	
Newton	Smith	
Total—28.		

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Roy in the Chair

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman and Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 32, both inclusive, in their entirety and on page 3, delete line 1 in its entirety and insert in lieu thereof the following:

"Section 4. Educational Boards

Section 4. The legislature shall establish such board or boards as may be necessary to meet the educational needs of the state. The duties and responsibilities of such board or boards shall be provided by law."

Delegate Juneau moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Giarrusso	Tapper
Badeaux	Haynes	Tobias
Bergeron	Jackson, A.	Toca
Bollinger	Jackson, J.	Toomy
Casey	Juneau	Ullo
Chatelain	LeBleu	Velazquez
Chehardy	Leithman	Vesich
Conino	Rachal	Vick
Corne	Reeves	Warren
D'Gerolamo	Roemer	Weiss
Derbes	Schmitt	Willis
Drew	Singletary	Zervigon
Gauthier	Soniat	
Total—38.		

NAYS

Delegates—		
Aertker	Dennery	Hardee
Anzalone	Dennis	Hayes
Arnette	Deshotels	Heine
Asseff	Dunlap	Hernandez
Avant	Elkins	Jack
Brien	Fayard	Jenkins
Burns	Flory	Kean
Burson	Fontenot	Kelly
Cannon	Fowler	Kilbourne
Carmouche	Fulco	Kilpatrick
Champagne	Ginn	Landry, A.
Comar	Goldman	Landry, E. J.
Conroy	Graham	Lanier
Cowen	Gravel	Leigh
De Blieux	Grier	McDaniel

Martin	Roy	Sutherland
Maybuce	Sandoz	Tate
Mire	Shannon	Thompson
Morris	Slay	Wattigny
O'Neill	Stagg	Winchester
Perkins	Stephenson	Wisham
Planchard	Stinson	
Riecke	Stovall	
Total—67.		

NOT VOTING

Delegates—		
Mr. Chairman	Lambert	Perez
Abraham	Landrum	Pugh
Alexander	Lowe	Rayburn
Bel	Mauberret	Segura
Blair	Miller	Smith
Brown	Munson	Thistlethwaite
Duval	Newton	Wall
Edwards	Nunez	Womack
Guarisco	Ourso	
Total—26.		

And the amendment was rejected.

Delegate Cowen moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Shannon to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 20, after the word and punctuation "Terms." delete the remainder of the line and delete lines 21, 22, and 23 in their entirety and at the beginning of line 24 delete the words and punctuation "to be determined by the legislature." and insert in lieu thereof the following:

"The board shall be composed of one member elected from each congressional district and one member elected from each public service commission district."

AMENDMENT No. 2—

On page 2, line 26, after the words "shall be" delete the remainder of the line and delete lines 27 and 28 in their entirety, and insert in lieu thereof the following: "fixed by law."

On motion of Delegate Gravel a division of the question was ordered.

Delegate Shannon moved the adoption of the Amendment No. 1.

Delegate Tobias objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Anzalone	Fowler	Roemer
Asseff	Heine	Shannon
Bollinger	Jenkins	Stephenson
Cannon	Juneau	Stinson
Chatelain	Kean	Ullo
Corne	LeBleu	Weiss
Drew	O'Neill	Willis
Fayard	Perkins	
Total—23.		

NAYS

Delegates—		
Aertker	Brien	Comar
Alario	Burns	Conino
Arnette	Burson	Conroy
Avant	Carmouche	Cowen
Badeaux	Casey	D'Gerolamo
Bergeron	Champagne	De Blieux

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Dennery	Jack	Schmitt
Dennis	Jackson, A.	Singletary
Derbes	Jackson, J.	Slay
Deshotels	Kelly	Soniat
Dunlap	Kilpatrick	Stagg
Elkins	Landry, A.	Stovall
Flory	Landry, E. J.	Sutherland
Fontenot	Lanier	Tapper
Fulco	Leigh	Tate
Gauthier	Leithman	Tobias
Giarrusso	McDaniel	Toca
Ginn	Maybuce	Toomy
Goldman	Mire	Velazquez
Graham	Morris	Vesich
Gravel	Planchard	Vick
Grier	Rachal	Warren
Hardee	Reeves	Wattigny
Hayes	Riecke	Winchester
Haynes	Roy	Wisham
Hernandez	Sandoz	Zervigon
Total—78.		

NOT VOTING

Delegates—	Kilbourne	Ourso
Mr. Chairman	Lambert	Perez
Abraham	Landrum	Pugh
Alexander	Lowe	Rayburn
Bel	Martin	Segura
Blair	Mauberrret	Smith
Brown	Miller	Thistlethwaite
Chehardy	Munson	Thompson
Duval	Newton	Wall
Edwards	Nunez	Womack
Guarisco		
Total—30.		

And the amendment was rejected.

Delegate A. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Shannon moved the adoption of the Amendment No. 2.

Delegate Tobias objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Dennis	Juneau
Aertker	Derbes	Kean
Alario	Deshotels	Kelly
Anzalone	Drew	Kilpatrick
Arnette	Dunlap	Landry, A.
Asseff	Elkins	Landry, E. J.
Avant	Fayard	Lanier
Badeaux	Flory	LeBleu
Bergeron	Fontenot	Leigh
Bollinger	Fowler	Leithman
Brien	Fulco	Maybuce
Burns	Gauthier	Mire
Burson	Giarrusso	Morris
Cannon	Ginn	Planchard
Carmouche	Goldman	Rachal
Casey	Graham	Reeves
Champagne	Gravel	Riecke
Chatelain	Grier	Roemer
Chehardy	Hayes	Roy
Comar	Haynes	Sandoz
Conino	Heine	Schmitt
Conroy	Jack	Shannon
Corne	Jackson, A.	Singletary
D'Gerolamo	Jackson, J.	Slay
De Blieux	Jenkins	Soniat
Dennery		

Stagg	Toca	Wattigny
Stephenson	Toomy	Weiss
Stinson	Ullo	Willis
Sutherland	Velazquez	Winchester
Tapper	Vesich	Wisham
Tate	Vick	Zervigon
Tobias	Warren	
Total—95.		

NAYS

Delegates—	Hernandez	Perkins
Cowen	McDaniel	Stovall
Hardee		
Total—6.		

NOT VOTING

Delegates—	Lambert	Ourso
Mr. Chairman	Landrum	Perez
Abraham	Lowe	Pugh
Alexander	Martin	Rayburn
Bel	Mauberrret	Segura
Blair	Miller	Smith
Brown	Munson	Thistlethwaite
Duval	Newton	Thompson
Edwards	Nunez	Wall
Guarisco	O'Neill	Womack
Kilbourne		
Total—30.		

And the amendment was adopted.

Delegate Shannon moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Motion

Delegte Riecke moved that the remarks of Delegate A. Jackson pertaining to Committee Proposal No. 7, Section 1, which became The Preamble to the Proposal be inserted in the Official Journal.

Delegate Roy objected.

Delegate Haynes moved to table the entire subject matter.

Delegate Riecke objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Flory	Maybuce
Alario	Fontenot	Mire
Asseff	Fowler	Rachal
Avant	Fulco	Reeves
Bergeron	Gauthier	Roy
Bollinger	Ginn	Sandoz
Brien	Graham	Singletary
Burns	Gravel	Slay
Burson	Grier	Soniat
Champagne	Hardee	Stagg
Chehardy	Hayes	Stephenson
Comar	Haynes	Tapper
Conino	Hernandez	Tate
Conroy	Jackson, A.	Tobias
Corne	Jackson, J.	Toca
Cowen	Juneau	Ullo
D'Gerolamo	Kelly	Velazquez
Dennery	Kilpatrick	Vick
Dennis	Landry, E. J.	Wattigny
Deshotels	Leithman	Weiss
Dunlap	McDaniel	Willis
Elkins		
Total—63.		

NAYS

Delegates—	Cannon	De Blieux
Aertker	Carmouche	Derbes
Anzalone	Casey	Giarrusso
Arnette	Chatelain	Goldman
Badeaux		

Jack	O'Neill	Stovall
Jenkins	Planchard	Sutherland
Kean	Riecke	Toomy
Landry, A.	Roemer	Warren
Lanier	Schmitt	Wisham
LeBleu	Shannon	Zervigon
Leigh	Stinson	
Total—32.		

NOT VOTING

Delegates—		
Mr. Chairman	Kilbourne	Perez
Abraham	Lambert	Perkins
Alexander	Landrums	Pugh
Bel	Lowe	Rayburn
Blair	Martin	Segura
Brown	Mauberret	Smith
Drew	Miller	Thistlethwaite
Duval	Morris	Thompson
Edwards	Munson	Vesich
Fayard	Newton	Wall
Guarisco	Nunez	Winchester
Heine	Ourso	Womack
Total—36.		

And the entire subject matter was tabled.

Chairman Henry in the Chair
Motion

On motion of Delegate Mire, the Convention altered the Order of Business to take up other Orders of Business at this time.

Proposals

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973
State of Louisiana

November 9, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly enrolled:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VI. LOCAL GOVERNMENT

Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines; Change of Parish Seats; Existing Parishes

Section 1. (A) The legislature may establish and organize new parishes, dissolve and merge parishes and change parish boundaries, if two-thirds of the electors in each of the parishes affected voting at an election held for the purpose in each parish affected consent thereto.

(B) The governing authority of a parish, may call an election on the question of changing the location of the parish seat. The election shall be conducted in the manner provided by the general election laws in the state, insofar as applicable. The location of a parish seat shall be changed if two-thirds of the total vote cast at the election is in favor thereof.

(C) All parishes and their boundaries as established under existing law are recognized and ratified.

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes.

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

Section 7. Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with the provisions of this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions and duties in effect when this constitution is adopted. Each of them, if its charter permits, shall also enjoy the right to any powers and functions granted to other local governmental subdivisions.

Section 8. Home Rule Charter

Section 8. (A) Subject to and not inconsistent with the provisions of this constitution, any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is the lesser, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors who vote on the proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with any provision of this constitution. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(G) No home rule charter or plan of local government shall contain any provision inconsistent with this constitution or any law now or hereafter enacted which affects the offices of district attorney, sheriff, assessor, clerk of a district court, coroner, parish school board, or city school board.

(H) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Subject to and not inconsistent with any provision of this constitution, the governing authority of any other local governmental subdivision may exercise any power and perform any function necessary, requisite, or proper for the management of the affairs of the local governmental subdivision not denied by its charter or by general law, provided that a majority of the electors in the affected local governmental subdivision who vote in an election held for that purpose vote in favor of the proposition that such governing authority may exercise such general powers. In the absence of such a favorable vote, such local governmental subdivision shall have such powers as authorized by this constitution or by law.

(B) Nothing contained in this Section shall be construed to affect the powers and functions of a parish or city school board and the offices of district attorney, sheriff, clerk of a district court, coroner, or assessor.

(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 11. No parish plan of government or home rule charter shall prohibit the incorporation of cities, towns, or villages as provided by general law.

Section 12. Limitations of Local Governmental Subdivisions

Section 12. (A) Local governmental subdivisions shall not: (1) define and provide for the punishment of a felony; or (2) except as may be provided by law, enact private or civil ordinances governing civil relationships.

(B) Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Section 12.1. Codification of Ordinances

Section 12.1. The governing authority of each political subdivision shall within two years of the effective date of the adoption of this constitution, cause a code to be prepared containing all of the ordinances of the political subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority of the political subdivision shall cause copies of the same to be prepared and made available for public distribution. All proposed ordinances of general application adopted after the approval of the code shall be adopted as amendments or additions to the code.

Section 13. Local Officials

Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members of any governing authority on the basis of single member districts.

Section 14. Local Officials; Compensation

Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials

shall not be reduced during the terms for which they are elected.

Section 15. Filling of Vacancies; Appointment

Section 15. (A) Except as otherwise provided in this constitution, and except for the office of assessor, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a parish or city school district, shall be filled by appointment by the governing authority of such local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

(B) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions.

Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures, or a deduction from the funds of a political subdivision for salaries of local public officials or for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivision employees, or an increase in commissions of or for local political subdivision offices, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided. Nothing in this Section shall be construed as applying to parish and municipal school boards.

Section 17. Governing Authorities or Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency.

Section 18. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 18. (A) Any local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or local public agency. No such merger and consolidation shall take effect unless a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district vote in favor of such proposition. No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.

(B) If the special district or local public agency which is consolidated and merged has any outstanding indebtedness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by the governing authority or authorities of the local governmental subdivisions involved.

Section 19. Land Use, Zoning and Historic Preservation

Section 19. Subject to uniform legislatively established procedures, local governmental subdivisions shall have authority (1) to adopt regulations for land use, zoning and historic preservation, which authority is declared to be a public purpose; (2) to create commissions and districts to implement same; (3) to review decisions of any such commissions; (4) and to adopt standards for use, construction, demolition and modification of areas and structures. Existing constitutional authority for historic preservation districts is retained.

Section 21. Industrial Areas

Section 21. The legislature may authorize parishes to create and define industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. All industrial areas so created hereafter shall include provisions for access by public road to any and all entrances to the premises of each and every plant in such area which entrances are

provided for use by employees of such company, or for use by employees of independent contractors working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises. Where individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area. Industrial areas shall not be subdivisions of the state.

Section 22. Creation of Special Districts by the Legislature; Authority

Section 22. Subject to and not inconsistent with the provisions of this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation, the power to incur debt and issue bonds.

Section 23. Intergovernmental Cooperation

Section 23. Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more political subdivisions, either within or without the state, with the United States or agencies thereof, except as the legislature shall provide otherwise by law.

Section 24. Assistance to Local Industry by Political Subdivisions; Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts

Section 24. Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, or (2) to provide for the establishment and furnishing of such industrial plant, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission, or any successor thereto, and to use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (b) to acquire, through purchase, donation, exchange, and subject to Article I, Section 4, expropriation, and to improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) to sell, lease, lease-purchase, or demolish all or any part of the foregoing.

No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

The provisions of this Section shall not apply to school boards.

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing the Returns of Certain Special Elections

Section 26. When any election is required to be held in any political subdivision pursuant to the provisions of this constitution which require submission to the electors of any proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by law pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by the legislature.

Section 27. Acquisition of Property

Section 27. Subject to and not inconsistent with any provision of this constitution and subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Section 28. Servitudes of Way; Acquisition by Prescription

Section 28. The public, represented by the various local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 29. Prescription Against State

Section 29. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

PART II. FINANCE

Section 31. Parish Tax Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority

Section 31. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy, without a vote of the electors, on property located wholly within any municipality, which has a population in excess of one thousand inhabitants according to the last federal decennial census, or such other census as may be provided for by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Section 32. Municipal Tax Limits; Increase

Section 32. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations

Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. However, those who pay municipal occupational license taxes shall be exempt from parish occupational license taxes to the extent of the municipal tax. Local governmental subdivisions may impose an occupational license tax in an amount greater than that imposed by the state when so authorized by an act passed by at least a two-thirds vote of the elected membership of each house of the legislature.

Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exemptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds

(A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors who vote in an election held for that purpose. The rate thereof, when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent; however, the

legislature may by general or special law, authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, upon approval by the electors thereof as herein provided. Nothing contained in this Subsection shall be construed to affect any sales or use tax authorized or imposed on the effective date of this constitution or to affect or impair the security of any bonds payable from such tax.

(B) Except where bonds in connection therewith have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Section 35. Political Subdivisions; Taxing Power; Limitations

Section 35. Political subdivisions may exercise the power of taxation, subject to such limitations as may be elsewhere provided in the constitution, under authority granted to them by the legislature for parish, municipal, and local purposes, strictly public in their nature. The provisions of this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Section 36. Special Taxes; Ratified

Section 36. (A) Any special tax being levied by any political subdivision under prior laws or under the 1921 Louisiana Constitution, as amended, when this constitution is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote in an election held for that purpose.

Section 38. Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 39. Taxpayer Authorization of Political Subdivision Bonds

Section 39. Subject to the approval of the State Bond Commission or any successor thereto, general obligation bonds may be issued only after authorization by a vote of a majority of the electors who vote on the proposition at an election in the political subdivision issuing such bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. The legislature shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond

authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Section 42. Local Improvement Assessments

Section 42. (A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) The provisions of this Section shall not apply to school boards.

Section 43. Revenue-Producing Property

Section 43. (A) The legislature may authorize political subdivisions to issue bonds or other debt obligations for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility or work of public improvement and shall not be a charge upon the other income and revenues of the political subdivision.

(B) The provisions of this Section shall not apply to school boards.

PART III. LEVEE DISTRICTS

Section 44. Levee Districts

Section 44. (A) Levee districts as now organized and constituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from residents of such district, as provided by law;

(2) Any levee district whose flood control responsibilities are limited to and which is situated entirely within the boundaries of one parish may be merged and consolidated into such parish under the terms and conditions and in the manner provided in Section 18 of this Article. This provision shall be self-operative.

(B) No action taken hereunder shall impair the obligation of any outstanding bonded indebtedness or of any other contract of such levee district.

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the assessed valuation, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the assessed valuation of all tax-

able property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise in any levee district for any of the purposes herein set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased. However, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

Section 46. Bond Issues

Section 46. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

(B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Section 48. Cooperation with Federal Government

Section 48. All governing authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and conditions as may be provided by the federal authorities and accepted by the levee districts.

Section 49. Compensation for Property Used or Destroyed; Tax

Section 49. (A) Notwithstanding any other provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

(B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

PART IV. PORTS

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;

(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.

PART V. DEFINITIONS

Section 51. Terms Defined

Section 51. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality;

(2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including school boards and special districts, authorized by law to perform governmental functions;

(3) "Municipality" means all incorporated cities, towns, and villages;

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) "General obligation bond" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount;

(7) "Deep-water port commissions and deep-water port, harbor, and terminal districts" means those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

Respectfully submitted,

MOISE W. DENNERY,
Secretary.

Under the Rules, referred to the Committee on Style and Drafting.

COMMITTEE NOTICE

Mr. Stagg, chairman of the Committee on Executive Department, sent up the following notice:

The Committee on Executive Department will meet on Wednesday, November 14, 1973, after adjournment in Committee Room No. 1 and will consider the following agenda:

AGENDA

Consider report by Subcommittee on Transitional Measures of the Committee on Executive Department

Respectfully submitted,

TOM STAGG,

Chairman of the Committee on Executive Branch

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Miller—2 days.
Delegate Smith—2 days.
Delegate Segura—1½ days.
Delegate Abraham—1 day.
Delegate Lowe—5 days.
Delegate Duval—1½ days.
Delegate Blair—1½ days.
Delegate Rayburn—½ day.
Delegate Nunez—4 days.

Adjournment

Mr. Stagg moved that the Convention do now adjourn until Saturday, November 10, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Saturday, November 10, 1973, at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

EIGHTY-THIRD DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Saturday, November 10, 1973, Baton Rouge, Louisiana

The Convention was called to order at 9:00 o'clock a.m.,
by Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered
to their names:

PRESENT

Delegates—		
Mr. Chairman	Fulco	O'Neill
Abraham	Gauthier	Perkins
Aertker	Giarrusso	Planchard
Alario	Ginn	Rachal
Anzalone	Goldman	Reeves
Arnette	Graham	Riecke
Asseff	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Guarisco	Sandoz
Bollinger	Hardee	Schmitt
Brien	Hayes	Shannon
Brown	Heine	Singletary
Burns	Hernandez	Slay
Burson	Jack	Soniat
Cannon	Jackson, A.	Stagg
Carmouche	Jackson, J.	Stephenson
Casey	Jenkins	Stinson
Champagne	Juneau	Stovall
Chatelain	Kean	Sutherland
Chehardy	Kelly	Tapper
Comar	Kilbourne	Tate
Conino	Kilpatrick	Tobias
Conroy	Lambert	Toca
Corne	Landry, A.	Toomy
Cowen	Landry, E. J.	Ullo
D'Gerolamo	Lanier	Velazquez
De Blieux	LeBleu	Vick
Dennis	Leigh	Warren
Deshotels	Leithman	Wattigny
Dunlap	McDaniel	Weiss
Edwards	Martin	Willis
Elkins	Maybuce	Winchester
Fayard	Mire	Wisham
Flory	Morris	Zervigon
Fontenot		
Total—103.		

ABSENT

Delegates—		
Alexander	Landrum	Pugh
Bel	Lowe	Rayburn
Bergeron	Mauberret	Segura
Blair	Miller	Smith
Dennery	Munson	Thistlethwaite
Derbes	Newton	Thompson
Drew	Nunez	Vesich
Duval	Ourso	Wall
Fowler	Perez	Womack
Haynes		
Total—28.		

The Chairman announced that there were 103 members
present and a quorum.

Prayer

Prayer was offered by Delegate Burson.

Pledge of Allegiance

Delegate Gravel led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Chatelain, the reading of the Journal
was dispensed with.

On motion of Delegate Chatelain, the Journal of yesterday
was adopted.

Morning Hour

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare and Delegates Car-
mouche, Cowen, Flory, Hernandez, Landry, Segura, Silver-
burg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

Read.

**Section 4. State Board of Elementary and Secondary Edu-
cation**

Section 4. (A) Creation; Function. There is created a body
corporate, known as the State Board of Elementary and
Secondary Education. The board shall supervise, control
and have budgetary responsibility for all funds appropriated
or allocated by the state for all public elementary and
secondary schools and special schools under its jurisdiction
as provided by law. The board shall have such other specific
powers, duties, and responsibilities as are provided by law
but shall have no control over the business affairs of
parish and municipal school boards or the selection or re-
moval of their officers and employees.

(B) Membership; Terms. The board shall consist of three
members who shall be appointed by the governor, with the
consent of the Senate from the state at large, and eight
members who shall be elected from single-member districts
to be determined by the legislature. All members shall serve
overlapping terms of six years, following the initial terms
which shall be determined by the governor or the legislature
as the case may be, in a manner as to effectuate this
purpose.

(C) Vacancies. Vacancies occurring for any cause prior
to the expiration of the term shall be filled by appointment
by the governor for the remainder of the unexpired term.
Members shall serve without pay except for such per diem
and expenses as shall be fixed by the legislature.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal Number 7, Section 4, when
it adjourned on Friday, November 9, 1973, which was taken
up and acted upon as follows:

Delegate Stovall sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stovall to Committee
Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 32, both inclusive, in
their entirety and on page 3, delete line 1, in its entirety, and
insert in lieu thereof the following:

"Section 4. Board of Education

Section 4. There is created a body corporate, known as the
Board of Education. The board shall supervise, control, and
have budgetary responsibility for all precollegiate public

education. The board shall have such other specific powers, duties, and responsibilities as are provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees. The board shall consist of eleven members. One member shall be elected from each of the congressional districts into which the state is divided and the additional number of members shall be appointed by the governor, with the consent of the Senate, from the state at large. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the legislature in a manner as to effectuate this purpose."

Delegate Stovall moved the adoption of the amendment

Delegate Stinson objected.

By a vote of 26 yeas and 64 nays the amendment was rejected.

Delegate Stinson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perkins and Asseff to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 20, immediately after the word "of" delete the word "three" and delete lines 21 and 22 in their entirety and insert in lieu thereof the word "eight"

Delegate Perkins moved the adoption of the amendment.

Delegate Roy objected.

By a vote of 33 yeas and 60 nays the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Perkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perkins, Asseff and O'Neill to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 31, place a semicolon ";" after the word "governor" and delete the remainder of the line, and insert in lieu thereof the following:
 "," however, if at the time the vacancy occurs the unexpired portion of the term is more than one year, the vacancy shall be filled by election as provided by law."

On motion of Delegate Perkins the amendment was withdrawn.

Delegate Perkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perkins, Asseff and O'Neill to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, line 31, place a semicolon ";" after the word

"governor" and delete the remainder of the line, and insert in lieu thereof the following:

"," however, if at the time the vacancy occurs the unexpired portion of the term of any elected member is more than one year, the vacancy shall be filled by election as provided by law."

Delegate Perkins moved the adoption of the amendment.

Delegate A. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Ginn	Riecke
Aertker	Goldman	Roemer
Anzalone	Graham	Roy
Arnette	Grier	Sandoz
Asseff	Hardee	Schmitt
Avant	Hayes	Shannon
Badeaux	Hernandez	Singletary
Bollinger	Jack	Slay
Brien	Jenkins	Soniat
Burns	Juneau	Stagg
Burson	Kean	Stephenson
Cannon	Kilbourne	Stinson
Carmouche	Lambert	Stovall
Casey	Landry, A.	Sutherland
Champagne	Landry, E. J.	Tapper
Chatelain	Lanier	Tate
Comar	LeBleu	Toca
Conino	Leigh	Toomy
Conroy	McDaniel	Ullo
Corne	Martin	Velazquez
Cowen	Maybuce	Warren
De Blieux	Mire	Wattigny
Deshote's	Morris	Weiss
Dunlap	O'Neill	Willis
Elkins	Perkins	Winchester
Flory	Planchard	Wisham
Fulco	Reeves	Zervigon
Giarrusso		
Total—82.		

NAYS

Delegates—		
Alario	Gravel	Kilpatrick
Brown	Jackson, A.	Leithman
Chehardy	Jackson, J.	Tobias
D'Gerolamo	Kelly	Vick
Gauthier		
Total—13.		

NOT VOTING

Delegates—		
Mr. Chairman	Fontenot	Ourso
Alexander	Fowler	Perez
Bel	Guarisco	Pugh
Bergeron	Haynes	Rachal
Blair	Heine	Rayburn
Dennery	Landurm	Segura
Dennis	Lowe	Smith
Derbes	Mauberret	Thistlethwaite
Drew	Miller	Thompson
Duval	Munson	Vesich
Edwards	Newton	Wall
Fayard	Nunez	Womack
Total—36.		

And the amendment was adopted.

Delegate Perkins moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Morris sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Morris to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

PAGE 3

83rd Days Proceedings—November 10, 1973

AMENDMENT No. 1—

On page 2, line 16, at the end of the line, after the words "provided by" delete the word "law" and insert in lieu thereof the words "this constitution or by law"

AMENDMENT No. 2—

On page 2, delete lines 20 through 32, both inclusive, in their entirety including all Floor Amendments thereto and on page 3, delete line 1, in its entirety and insert in lieu thereof the following:

"(B) Membership; Terms. The Legislature shall provide for the membership, manner of election or selection, and terms of office of the State Board of Elementary and Secondary Education; provided, however, that not fewer than two-thirds of the members of the board shall be elected by the people should the office of superintendent of education be made appointive.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the terms of members of the State Board of Elementary and Secondary Education shall be filled by appointment by the governor for the remainder of the unexpired term; "however, if at the time the vacancy occurs the unexpired portion of the term of any elected member is more than one year, the vacancy shall be filled by election as provided by law." Members shall serve without pay except for such per diem and expenses as shall be fixed by the Legislature."

On motion of Delegate Hernandez a division of the question was ordered.

Delegate Morris moved the adoption of Amendment No. 1.

Delegate O'Neill objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Maybuce
Abraham	Fulco	Mire
Aertker	Gauthier	Morris
Alario	Giarrusso	Rachal
Arnette	Ginn	Reeves
Asseff	Goldman	Riecke
Avant	Graham	Roemer
Badeaux	Grier	Roy
Bollinger	Hardee	Sandoz
Brien	Heine	Schmitt
Brown	Hernandez	Singletery
Cannon	Jackson, A.	Slay
Carmouche	Jackson, J.	Soniat
Casey	Jenkins	Stagg
Chatelain	Juneau	Sutherland
Chehardy	Kean	Toca
Comar	Kelly	Toomy
Conino	Kilbourne	Velazquez
Corne	Kilpatrick	Vick
D'Gerolamo	Lambert	Warren
De Blieux	Landry, E. J.	Weiss
Dennis	Lanier	Winchester
Deshotels	Leigh	Wisham
Dunlap	Leithman	Zervigon
Edwards	Martin	
Flory		
Total—74.		

NAYS

Delegates—	Hayes	Shannon
Anzalone	Jack	Stinson
Burns	Landry, A.	Stovall
Burson	LeBleu	Tate
Champagne	McDaniel	Tobias
Conroy	O'Neill	Ullo
Cowen	Perkins	Wattigny
Elkins	Planchard	Willis
Fayard		
Guarisco		
Total—25.		

NOT VOTING

Delegates—	Haynes	Rayburn
Mr. Chairman	Landrum	Segura
Alexander	Lowe	Smith
Bel	Mauberet	Stephenson
Bergeron	Miller	Tapper
Blair	Munson	Thistlethwaite
Dennery	Newton	Thompson
Derbes	Nunez	Vesich
Drew	Ourso	Wall
Duval	Perez	Womack
Fowler	Pugh	
Gravel		

Total—32.

And the amendment was adopted.

Delegate Morris moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Morris moved the adoption of Amendment No. 2.

Delegate O'Neill objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Jackson, A.	Soniat
Arnette	Jackson, J.	Tobias
Badeaux	LeBleu	Toca
Bollinger	Leigh	Velazquez
Casey	Morris	Vick
Corne	Rachal	Weiss
De Blieux	Roy	Zervigon
Dennis	Singletery	
Fulco		
Total—23.		

NAYS

Delegates—	Fontenot	Martin
Abraham	Gauthier	Maybuce
Aertker	Giarrusso	Mire
Alario	Ginn	O'Neill
Anzalone	Goldman	Perkins
Asseff	Graham	Planchard
Avant	Gravel	Reeves
Brien	Grier	Riecke
Brown	Guarisco	Roemer
Burns	Hardee	Sandoz
Burson	Hayes	Schmitt
Cannon	Heine	Shannon
Carmouche	Hernandez	Slay
Champagne	Jack	Stagg
Chatelain	Jenkins	Stinson
Chehardy	Juneau	Stovall
Comar	Kean	Sutherland
Conino	Kelly	Tate
Conroy	Kilbourne	Toomy
Cowen	Kilpatrick	Ullo
D'Gerolamo	Lambert	Warren
Deshotels	Landry, A.	Wattigny
Dunlap	Landry, E. J.	Willis
Edwards	Lanier	Winchester
Elkins	Leithman	Wisham
Fayard	McDaniel	
Flory		
Total—77.		

NOT VOTING

Delegates—	Landrum	Rayburn
Mr. Chairman	Lowe	Segura
Alexander	Mauberet	Smith
Bel	Miller	Stephenson
Bergeron	Munson	Tapper
Blair	Newton	Thistlethwaite
Dennery	Nunez	Thompson
Derbes	Ourso	Vesich
Drew	Perez	Wall
Duval	Pugh	Womack
Fowler		
Haynes		
Total—31.		

And the amendment was rejected.

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Delegate Toca moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Avant moved that the Convention do now take up Committee Proposal Number 7, Section 3 upon which action was deferred on Friday, November 9, 1973, out of its regular order.

As a substitute Delegate Tobias moved that the entire subject matter be tabled.

Delegate Avant objected.

The vote recurred on the substitute motion.

By a vote of 44 yeas and 52 nays and the Convention refused to table the entire subject matter.

Delegate Avant insisted upon his original motion to consider Committee Proposal Number 7, Section 3 at this time, out of its regular order.

Delegate Tobias objected.

By a vote of 56 yeas, 40 nays the Convention took up Committee Proposal Number 7, Section 3, out of its regular order, at this time.

Section 3. State Superintendent of Public Elementary and Secondary Education

Section 3. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be appointed by the State Board of Elementary and Secondary Education for a term not to exceed four years.

(B) Qualifications. The state superintendent shall possess the qualifications required of parish school superintendents and such additional qualifications as may be fixed by law.

(C) Functions. The powers, duties, responsibilities, and salary of the state superintendent of public education shall be prescribed by law.

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory, Avant, Morris, Kelly, Cannon, Kilbourne, Ginn, Hernandez, Grier, Hayes, Jack, Singletary, Wisham, Elkins, Roemer, Nunez, Rayburn, Blair, E. J. Landry, Winchester, O'Neill, Jenkins, Badeaux, Fowler, Vesich, Maybuce, Warren, J. Jackson, McDaniel, Velazquez, Mauberret, Reeves, Alario, D'Gerolamo, Toca, Conino, Wattigny, Stinson, Vick, Dunlap, Perkins, Kilpatrick, Deshotels, Ullo, Thompson, Giarrusso, Sandoz, Cowen, Hardee, Gauthier, Burns, Champagne, Anzalone, LeBleu, Stephenson, Asseff, Ourso, Heine, Slay and Rachal to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, delete lines 28 through 32, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 3. (A) Term. There shall be a state superintendent of public education for elementary and secondary education, who shall be elected for a term of four years. He shall be the ex officio secretary of the board and shall serve as its chief executive officer."

Delegate Flory moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario
Anzalone
Asseff
Avant
Badeaux
Brien
Brown
Burns
Burson
Cannon
Champagne
Chatelain
Comar
Conino
Corne
Cowen
D'Gerolamo
Dunlap
Elkins
Fayard
Flory
Fontenot
Gauthier
Giarrusso
Total—71.

Ginn
Graham
Gravel
Grier
Hardee
Hayes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kelly
Kilbourne
Kilpatrick
Lambert
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
McDaniel
Martin
Maybuce
Mire
Morris
O'Neill
Perkins
Planchard
Reeves
Roemer
Roy
Sandoz
Shannon
Singletary
Slay
Stinson
Toca
Toomy
Ullo
Velazquez
Vick
Warren
Wattigny
Winchester
Wisham

NAYS

Delegates—

Abraham
Aertker
Arnette
Bollinger
Carmouche
Casey
Chehardy
Conroy
De Blieux
Total—25.

Dennis
Goldman
Guarisco
Kean
Leithman
Rachal
Riecke
Schmitt
Soniat
Stagg
Sutherland
Tate
Tobias
Weiss
Willis
Zervigon

NOT VOTING

Delegates—

Mr. Chairman
Alexander
Bel
Bergeron
Blair
Dennerly
Derbes
Deshotels
Drew
Duval
Edwards
Fowler
Total—35.

Fulco
Haynes
Landrum
Lowe
Mauberret
Miller
Munson
Newton
Nunez
Ourso
Perez
Pugh
Rayburn
Segura
Smith
Stephenson
Stovall
Tapper
Thistlethwaite
Thompson
Vesich
Wall
Womack

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Graham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Graham, Chatelain, Flory, and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 28, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on November 10, 1973, on line 1 of the language added by that amendment at the beginning of the line after the word and punctuation "Term." delete the word "There" and insert in lieu thereof the following:

"Subject to the provisions for appointment, in lieu of election, as set forth in Article IV, Section 23, there"

Delegate Graham moved the adoption of the amendment.

Delegate O'Neill objected.

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A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Dunlap	Maybuce
Aertker	Elkins	Mire
Arnette	Fayard	Rachal
Avant	Flory	Riecke
Badeaux	Fulco	Roy
Bollinger	Gauthier	Sandoz
Brien	Giarrusso	Schmitt
Burns	Ginn	Slay
Burson	Goldman	Soniat
Carmouche	Graham	Stagg
Casey	Gravel	Sutherland
Champagne	Guarisco	Tate
Chatelain	Hardee	Tobias
Chehardy	Hernandez	Toca
Comar	Jackson, A.	Velazquez
Conino	Jackson, J.	Vick
Conroy	Kean	Wattigny
Cowen	Kilpatrick	Weiss
D'Gerolamo	Landry, A.	Willis
De Blieux	McDaniel	Wisham
Dennis	Martin	
Total—62.		

NAYS

Delegates—

Alario	Kelly	Reeves
Anzalone	Kilbourne	Roemer
Asseff	Lambert	Shannon
Cannon	Landry, E. J.	Singletary
Corne	Lanier	Stinson
Grier	LeBleu	Toomy
Hayes	Leigh	Ullo
Heine	Morris	Warren
Jack	O'Neill	Winchester
Jenkins	Perkins	Zervigon
Juneau	Planchard	
Total—32.		

NOT VOTING

Delegates—

Mr. Chairman	Fowler	Rayburn
Alexander	Haynes	Segura
Bel	Landrum	Smith
Bergeron	Leithman	Stephenson
Blair	Lowe	Stovall
Brown	Mauberet	Tapper
Dennery	Miller	Thistlethwaite
Derbes	Munson	Thompson
Deshotels	Newton	Vesich
Drew	Nunez	Wall
Duval	Ourso	Womack
Edwards	Perez	
Fontenot	Pugh	
Total—37.		

And the amendment was adopted.

Delegate Graham moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate E. J. Landry sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate E. J. Landry to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 28, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on November

10, 1973, on line 4 of the language added by that amendment at the beginning of the line after the word and punctuation "years." delete the remainder of the line and delete lines 5 and 6 both inclusive, in their entirety and insert in lieu thereof the following:

"The powers, duties, responsibilities, and qualifications of the superintendent shall be fixed by law."

AMENDMENT No. 2—

On page 2, delete lines 1 through 6, both inclusive, in their entirety

On motion of Delegate E. J. Landry the amendment was withdrawn.

Vice-Chairman Casey in the Chair

Delegate E. J. Landry sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate E. J. Landry to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 28, in Floor Amendment No. 1 proposed by Delegate Flory and adopted by the Convention on November 10, 1973, on line 4 of the language added by that amendment at the beginning of the line after the word and punctuation "years." delete the remainder of the line and delete lines 5 and 6 both inclusive in their entirety and insert in lieu thereof the following:

"The powers, functions, duties, responsibilities, and qualifications of the superintendent shall be fixed by law."

AMENDMENT No. 2—

On page 2, delete lines 1 through 6, both inclusive, in their entirety

Delegate E. J. Landry moved the adoption of the amendments.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Ginn	Roemer
Avant	Gravel	Roy
Bollinger	Hardee	Sandoz
Burns	Hayes	Shannon
Cannon	Jack	Stagg
Casey	Jackson, J.	Stinson
Champagne	Jenkins	Tate
Chatelain	Kelly	Tobias
Chehardy	Kilbourne	Toca
Conino	Landry, E. J.	Toomy
Conroy	Lanier	Ullo
Corne	LeBleu	Velazquez
D'Gerolamo	McDaniel	Wattigny
De Blieux	Morris	Willis
Flory	O'Neill	Wisham
Fulco	Perkins	Zervigon
Gauthier	Rachal	
Total—50.		

NAYS

Delegates—

Abraham	Giarrusso	Mire
Aertker	Goldman	Planchard
Anzalone	Graham	Reeves
Arnette	Grier	Riecke
Asseff	Guarisco	Schmitt
Badeaux	Heine	Singletary
Brien	Hernandez	Slay
Burson	Jackson, A.	Soniat
Carmouche	Kilpatrick	Sutherland
Dunlap	Landry, A.	Vick
Fayard	Leigh	Weiss
Fontenot	Maybuce	Winchester
Total—36.		

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NOT VOTING

Delegates—		
Mr. Chairman	Elkins	Ourso
Alexander	Fowler	Perez
Bel	Haynes	Pugh
Bergeron	Juneau	Rayburn
Blair	Kean	Segura
Brown	Lambert	Smith
Comar	Landrum	Stephenson
Cowen	Leithman	Stovall
Dennery	Lowe	Tapper
Dennis	Martin	Thistlethwaite
Derbes	Mauberret	Thompson
Deshotels	Miller	Vesich
Drew	Munson	Wall
Duval	Newton	Warren
Edwards	Nunez	Womack

Total—45.

And the amendments were adopted.

Delegate E. J. Landry moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Sutherland sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Sutherland and Riecke to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, in Floor Amendment No. 1 proposed by Delegates Flory, et al. and adopted by the Convention on November 10, 1973, and immediately following the language inserted by Convention Floor Amendment No. 1 thereto proposed by Mr. E. J. Landry and adopted by the Convention on November 10, 1972, add the following:

"In addition, he shall be the administrative head of the Department of Education for the implementation of the policies of the State Board of Elementary and Secondary Education and the laws affecting the schools under its jurisdiction."

Delegate Sutherland moved the adoption of the amendment.

Delegate Alario objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fontenot	Morris
Arnette	Fulco	O'Neill
Asseff	Giarrusso	Perkins
Avant	Goldman	Planchard
Badeaux	Graham	Riecke
Bollinger	Gravel	Roemer
Brien	Grier	Roy
Burns	Guarisco	Schmitt
Burson	Heine	Slay
Cannon	Hernandez	Soniat
Carmouche	Jack	Stagg
Casey	Jackson, A.	Stinson
Champagne	Jackson, J.	Sutherland
Chatelain	Jenkins	Tobias
Conroy	Kelly	Velazquez
Corne	Kilbourne	Vick
Cowen	Kilpatrick	Warren
D'Gerolamo	Landry, A.	Wattigny
Dennis	Leigh	Weiss
Dunlap	McDaniel	Winchester
Elkins	Mire	Zervigon
Fayard		

Total—64.

NAYS

Delegates—		
Abraham	Landry, E. J.	Singletary
Alario	Lanier	Tate
Anzalone	LeBleu	Toca
Chehardy	Maybuce	Toomy
Conino	Rachal	Uilo
Flory	Reeves	Willis
Gauthier	Sandoz	Wisham
Hayes		

Total—22.

NOT VOTING

Delegates—		
Mr. Chairman	Ginn	Ourso
Alexander	Hardee	Perez
Bel	Haynes	Pugh
Bergeron	Juneau	Rayburn
Blair	Kean	Segura
Brown	Lambert	Shannon
Comar	Landrum	Smith
De Blieux	Leithman	Stephenson
Dennery	Lowe	Stovall
Derbes	Martin	Tapper
Deshotels	Mauberret	Thistlethwaite
Drew	Miller	Thompson
Duval	Munson	Vesich
Edwards	Newton	Wall
Fowler	Nunez	Womack

Total—45.

And the amendment was adopted.

Delegate Sutherland moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 1, line 28, delete Floor Amendment No. 1 proposed by Delegate E. J. Landry, and adopted by the Convention on November 10, 1973, and insert in lieu thereof the following:

"The powers, functions, duties, and responsibilities of the superintendent shall be fixed by law."

Delegate Jenkins moved the adoption of the amendment.

Delegate Avant objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Hayes	Perknis
Alario	Heine	Riecke
Arnette	Jackson, J.	Roemer
Asseff	Jenkins	Shannon
Bollinger	Kilbourne	Stinson
Champagne	Landry, A.	Toca
Chehardy	Landry, E. J.	Toomy
Conino	LeBleu	Vick
D'Gerolamo	Leigh	Warren
Fontenot	Leithman	Willis
Gauthier	O'Neill	Zervigon

Total—33.

NAYS

Delegates—		
Aertker	Brien	Carmouche
Anzalone	Burns	Casey
Avant	Burson	Chatelain
Badeaux	Cannon	Comar

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Conroy	Guarisco	Roy
Corne	Hardee	Sandoz
Cowen	Hernandez	Schmitt
De Blieux	Jack	Singletary
Dennis	Jackson, A.	Slay
Dunlap	Juneau	Soniat
Elkins	Kelly	Stagg
Fayard	Kilpatrick	Sutherland
Flory	Lanier	Tate
Fulco	McDaniel	Tobias
Giarrusso	Maybuce	Uilo
Ginn	Mire	Velazquez
Goldman	Morris	Wattigny
Graham	Planchard	Weiss
Gravel	Rachal	Winchester
Grier	Reeves	Wisham

Total—60.

NOT VOTING

Delegates—	Haynes	Pugh
Mr. Chairman	Kean	Rayburn
Alexander	Lambert	Segura
Bel	Landrum	Smith
Bergeron	Lowe	Stephenson
Blair	Martin	Stovall
Brown	Mauberet	Tapper
Dennery	Miller	Thistlethwaite
Derbes	Munson	Thompson
Deshotels	Newton	Vesich
Drew	Duval	Nunez
Duval	Edwards	Ourso
Edwards	Fowler	Perez

Total—38.

And the amendment was rejected.

Delegate Avant moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Committee Proposal No. 7, Section 3 was read as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Gauthier	Perkins
Mr. Chairman	Giarrusso	Planchard
Abraham	Ginn	Rachal
Aertker	Goldman	Reeves
Alario	Graham	Riecke
Anzalone	Gravel	Roemer
Avant	Grier	Roy
Badeaux	Hardee	Sandoz
Brien	Hayes	Schmitt
Burns	Heine	Shannon
Burson	Hernandez	Singletary
Cannon	Jack	Slay
Carmouche	Jackson, A.	Soniat
Champagne	Jackson, J.	Sutherland
Chatelain	Juneau	Tate
Comar	Kelly	Toca
Conino	Kilbourne	Toomy
Corne	Kilpatrick	Uilo
Cowen	Landry, A.	Velazquez
D'Gerolamo	Landry, E. J.	Warren
De Blieux	LeBleu	Wattigny
Dennis	Leigh	Weiss
Dunlap	McDaniel	Willis
Elkins	Maybuce	Winchester
Flory	Mire	Wisham
Fontenot	Morris	
Fulco		

Total—77.

NAYS

Delegates—	Bollinger	Chehardy
Arnette	Casey	Conroy
Asseff		

Fayard	Leithman	Tobias
Guarisco	O'Neill	Vick
Jenkins	Stagg	Zervigon
Lanier	Stinson	

Total—17.

NOT VOTING

Delegates—	Kean	Pugh
Alexander	Lambert	Rayburn
Bel	Landrum	Segura
Bergeron	Lowe	Smith
Blair	Martin	Stephenson
Brown	Mauberet	Stovall
Dennery	Miller	Tapper
Derbes	Munson	Thistlethwaite
Deshotels	Newton	Thompson
Drew	Nunez	Vesich
Duval	Ourso	Wall
Edwards	Perez	Womack
Fowler		
Haynes		

Total—37.

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 4. State Board of Elementary and Secondary Education

Section 4. (A) Creation; Function. There is created a body corporate, known as the State Board of Elementary and Secondary Education. The board shall supervise, control and have budgetary responsibility for all funds appropriated or allocated by the state for all public elementary and secondary schools and special schools under its jurisdiction as provided by law. The board shall have such other specific powers, duties, and responsibilities as are provided by law, but shall have no control over the business affairs of parish and municipal school boards or the selection or removal of their officers and employees.

(B) Membership; Terms. The board shall consist of three members who shall be appointed by the governor, with the consent of the Senate from the state at large, and eight members who shall be elected from single-member districts to be determined by the legislature. All members shall serve overlapping terms of six years, following the initial terms which shall be determined by the governor or the legislature as the case may be, in a manner as to effectuate this purpose.

(C) Vacancies. Vacancies occurring for any cause prior to the expiration of the term shall be filled by appointment by the governor for the remainder of the unexpired term. Members shall serve without pay except for such per diem and expenses as shall be fixed by the legislature.

Read.

Delegate E. J. Landry sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate E. J. Landry to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 7 through 11, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 4. State Superintendent of Public Elementary and Secondary Education; Function

Section 4. (A) Function. The state superintendent of public education for elementary and secondary education shall supervise, control,"

AMENDMENT No. 2—

On page 2, line 15, after the word "The" and before the word "shall" delete the word "board" and insert in lieu thereof the words "state superintendent of public education"

AMENDMENT No. 3—

On page 2, delete lines 20 through 32, both inclusive, in their entirety, including all Floor Amendments thereto and on page 3, delete line 1 in its entirety

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Delegate E. J. Landry moved the adoption of the amendments.

Delegate Burson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Heine	Tate
Anzalone	Landry, E. J.	Tobias
Chehardy	Lanier	Toca
Comar	Leithman	Toomy
D'Gerolamo	Rachal	Warren
De Blieux	Roemer	Willis
Fayard	Shannon	Zervigon
Goldman	Stinson	
Total—23.		

NAYS

Delegates—

Abraham	Fontenot	Maybuce
Aertker	Fulco	O'Neill
Arnette	Ginn	Perkins
Asseff	Graham	Planchard
Avant	Gravel	Reeves
Badeaux	Grier	Riecke
Bollinger	Guarisco	Roy
Brien	Hardee	Sandoz
Burns	Hayes	Schmitt
Burson	Hernandez	Singletary
Cannon	Jack	Slay
Casey	Jackson, A.	Soniat
Champagne	Jackson, J.	Stagg
Chatelain	Jenkins	Sutherland
Conino	Juneau	Ullo
Conroy	Kelly	Velazquez
Corne	Kilbourne	Vick
Cowen	Kilpatrick	Weiss
Dennis	Landry, A.	Winchester
Dunlap	LeBleu	Wisham
Elkins	Leigh	Womack
Flory	McDaniel	
Total—65.		

NOT VOTING

Delegates—
Mr. Chairman
Alexander

Bel	Blair
Bergeron	Brown

Carmouche	Landrum
Dennery	Lowe
Derbes	Martin
Deshotels	Mauberret
Drew	Miller
Duval	Mire
Edwards	Morris
Fowler	Munson
Gauthier	Newton
Giarrusso	Nunez
Haynes	Ourso
Kean	Perez
Lambert	Pugh
Total—43.	

Rayburn
Segura
Smith
Stephenson
Stovall
Tapper
Thistlethwaite
Thompson
Vesich
Wall
Wattigny

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Casey, the Convention altered the Order of Business to take up other Orders of Business at this time.

Leaves of Absence

Delegate Bergeron—1 day.
Delegate Vesich—1 day.
Delegate Thompson—1 day.
Delegate Newton—1 day.
Delegate Dennery—1 day.

Adjournment

Delegate Bollinger moved that the Convention do now adjourn until Monday, November 12, 1973, at 1:00 o'clock P.M.

As a substitute Delegate De Blieux moved that the Convention do now adjourn until Tuesday, November 13, 1973, at 9:00 o'clock.

The vote recurred on the substitute motion.

By a vote of 51 yeas and 37 nays the Convention adjourned Tuesday, November 13, 1973, at 9:00 o'clock A.M.

And Chairman Henry declared the Convention adjourned to Tuesday, November 13, 1973, at 9:00 o'clock P.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

EIGHTY-FOURTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Tuesday, November 13, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Fulco	Perez
Mr. Chairman	Gauthier	Perkins
Abraham	Giarrusso	Planchard
Aertker	Ginn	Rachal
Alario	Graham	Reeves
Alexander	Gravel	Riecke
Anzalone	Grier	Roemer
Arnette	Guarisco	Roy
Asseff	Hardee	Sandoz
Avant	Hayes	Schmitt
Badeaux	Haynes	Segura
Bel	Heine	Shannon
Bergeron	Hernandez	Singletary
Blair	Jackson, A.	Slay
Bollinger	Jackson, J.	Smith
Brien	Jenkins	Soniat
Brown	Juneau	Stagg
Burns	Kean	Stephenson
Burson	Kelly	Stinson
Cannon	Kilbourne	Stovall
Carmouche	Kilpatrick	Sutherland
Casey	Lambert	Tapper
Champagne	Landrum	Tate
Chatelain	Landry, A.	Thompson
Chehardy	Landry, E. J.	Tobias
Comar	Lanier	Toca
Conino	LeBleu	Toomy
Conroy	Leigh	Ullo
Corne	Leithman	Velazquez
Cowen	McDaniel	Vesich
D'Gerolamo	Martin	Vick
De Blieux	Maubert	Wall
Dennis	Maybuce	Warren
Drew	Miller	Wattigny
Dunlap	Mire	Willis
Duval	Morris	Winchester
Elkins	Munson	Wisham
Fayard	Newton	Womack
Flory	O'Neill	Zervigon
Fontenot	Ourso	
Fowler		
Total—119.		

ABSENT

Delegates—	Goldman	Pugh
Dennery	Jack	Rayburn
Derbes	Lowe	Thistlethwaite
Deshotels	Nunez	Weiss
Edwards		
Total—12.		

The Chairman announced that there were 119 members
present and a quorum.

Prayer

Prayer was offered by Delegate Brien.

Pledge of Allegiance

Delegate Morris led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Miller, the reading of the Journal
was dispensed with.

On motion of Delegate Miller, the Journal of yesterday
was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention
was engaged at the time of its adjournment on yesterday was
taken up and acted on:

COMMITTEE PROPOSAL No.7—

Introduced by Delegate Aertker, Chairman, on behalf of
the Committee on Education and Welfare and Delegates Car-
mouche, Cowen, Flory, Hernandez, Landry, Segura, Silver-
burg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions
with respect thereto.

Read.

Section 4. State Board of Elementary and Secondary Edu- cation

Section 4. (4) Creation; Function. There is created a body
corporate, known as the State Board of Elementary and
Secondary Education. The board shall supervise, control
and have budgetary responsibility for all funds appropriated
or allocated by the state for all public elementary and
secondary schools and special schools under its jurisdiction
as provided by law. The board shall have such other specific
powers, duties, and responsibilities as are provided by law
but shall have no control over the business affairs of
parish and municipal school boards or the selection or re-
moval of their officers and employees.

(B) Membership; Terms. The board shall consist of three
members who shall be appointed by the governor, with the
consent of the Senate from the state at large, and eight
members who shall be elected from single-member districts
to be determined by the legislature. All members shall serve
overlapping terms of six years, following the initial terms
which shall be determined by the governor or the legislature
as the case may be, in a manner as to effectuate this
purpose.

(C) Vacancies. Vacancies occurring for any cause prior
to the expiration of the term shall be filled by appointment
by the governor for the remainder of the unexpired term.
Members shall serve without pay except for such per diem
and expenses as shall be fixed by the legislature.

Read.

The Chairman announced that the Convention had under
consideration Committee Proposal No. 7, Section 4, when it
adjourned on Saturday, November 10, which was taken
up and acted upon as follows:

Delegate Morris sent up a floor amendment, which was
read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Morris to Committee
Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, at the beginning of line 15, after the words and
punctuation "as provided by law." and before the words
"The board" insert the following:

"In the event the office of State Superintendent of Public
Elementary and Secondary Education is made appointive,
such appointment shall be made by the State Board of Ele-
mentary and Secondary Education."

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Delegate Morris moved the adoption of the amendment.

Delegate Rachal objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Dunlap	Mauberret
Aertker	Duval	Maybuce
Alario	Flory	Miller
Alexander	Fontenot	Morris
Arnette	Fulco	O'Neill
Asseff	Gauthier	Perkins
Avant	Giarrusso	Riecke
Badeaux	Graham	Roemer
Bel	Gravel	Roy
Blair	Grier	Sandoz
Bollinger	Hayes	Schmitt
Brien	Heine	Shannon
Burns	Hernandez	Singletary
Cannon	Jackson, A.	Smith
Carmouche	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kean	Sutherland
Chatelain	Kilbourne	Tate
Chehardy	Landrum	Tobias
Comar	Landry, A.	Toca
Conino	Landry, E. J.	Toomy
Conroy	Lanier	Velazquez
Corne	LeBleu	Warren
Cowen	Leithman	Willis
D'Gerolamo	McDaniel	Wisham
De Blieux	Martin	Zervigon
Total—78.		

NAYS

Delegates—		
Fowler	Rachal	Stovall
Kelly		
Total—4.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Segura
Anzalone	Jack	Slay
Bergeron	Jackson, J.	Stephenson
Brown	Kilpatrick	Stinson
Burson	Lambert	Tapper
Dennerly	Leigh	Thistlethwaite
Dennis	Lowe	Thompson
Derbes	Mire	Ullo
Deshotels	Munson	Vesich
Drew	Newton	Vick
Edwards	Nunez	Wall
Elkins	Ourso	Wattigny
Fayard	Perez	Weiss
Ginn	Planchard	Winchester
Goldman	Pugh	Womack
Guarisco	Rayburn	
Hardee	Reeves	
Total—49.		

And the amendment was adopted.

Delegate Morris moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Vice-Chairman Casey in the Chair

Delegate Shannon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Shannon to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 20 through 22, both inclusive, in their entirety and insert in lieu thereof the following:
“(B) Membership; Terms. The board shall consist of fifteen”

Delegate Shannon moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Jackson, A.	Perkins
Anzalone	Jenkins	Reeves
Arnette	Kean	Roemer
Asseff	Kilbourne	Shannon
Burns	Landrum	Singletary
Cannon	Landry, E. J.	Smith
Chatelain	Lanier	Tobias
Conino	LeBleu	Toca
Conroy	McDaniel	Warren
Hayes	Miller	Willis
Heine	O'Neill	Wisham
Total—33.		

NAYS

Delegates—		
Aertker	De Blieux	Martin
Alario	Dunlap	Mauberret
Alexander	Duval	Maybuce
Avant	Flory	Morris
Badeaux	Fontenot	Rachal
Bel	Fowler	Riecke
Blair	Fulco	Roy
Bollinger	Gauthier	Sandoz
Brien	Giarrusso	Schmitt
Carmouche	Graham	Soniat
Casey	Gravel	Stagg
Champagne	Grier	Stovall
Chehardy	Hernandez	Sutherland
Comar	Juneau	Tate
Corne	Kelly	Toomy
Cowen	Landry, A.	Velazquez
D'Gerolamo	Leithman	Zervigon
Total—51.		

NOT VOTING

Delegates—		
Mr. Chairman	Haynes	Segura
Bergeron	Jack	Slay
Brown	Jackson, J.	Stephenson
Burson	Kilpatrick	Stinson
Dennerly	Lambert	Tapper
Dennis	Leigh	Thistlethwaite
Derbes	Lowe	Thompson
Deshotels	Mire	Ullo
Drew	Munson	Vesich
Edwards	Newton	Vick
Elkins	Nunez	Wall
Fayard	Ourso	Wattigny
Ginn	Perez	Weiss
Goldman	Planchard	Winchester
Guarisco	Pugh	Womack
Hardee	Rayburn	
Total—47.		

And the amendment was rejected.

Delegate Roy moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 7 by Delegate Aertker, et al.

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Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 1 and 2, add the following:
“(D) Minority Representation. A proportionate number of citizens from the predominate minority race of the state shall be included on the State Board of Elementary and Secondary Education. For the purposes of this Article the term ‘proportionate number’ shall be a number equal as nearly as practical to the proportionate number of members of that race in the total population of the state.”

Motion

Delegate Jenkins moved for a suspension of the rules in order to allow him to address the Convention for a period of five minutes in addition to the time allowed him under the rules.

Delegate Stovall objected.

By a vote of 66 yeas and 3 nays the rules were suspended.

Motion

Delegate Zervigon moved the previous question on the amendment.

Delegate Warren objected.

By a vote of 31 yeas and 44 nays the Convention refused to order the previous question at this time.

Delegate A. Jackson moved the adoption of the amendment.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Gravel	Rachal
Alexander	Guarisco	Roy
Brien	Haynes	Shannon
Chatelain	Jackson, A.	Soniat
Chehardy	Jackson, J.	Stagg
Comar	Landrum	Stovall
Conino	Landry, E. J.	Toca
D'Gerolamo	Leithman	Toomy
Dennis	Maybuce	Velazquez
Flory	Miller	Warren
Fowler	Newton	Wisham
Ginn		

Total—34.

NAYS

Delegates—

Abraham	Fayard	Martin
Aertker	Fontenot	Mauberret
Anzalone	Fulco	Morris
Arnette	Gauthier	O'Neill
Asseff	Giarrusso	Perez
Badeaux	Graham	Perkins
Bel	Grier	Reeves
Bollinger	Hardee	Riecke
Burns	Hayes	Roemer
Burson	Heine	Sandoz
Cannon	Hernandez	Schmitt
Carmouche	Jenkins	Singletary
Casey	Juneau	Smith
Champagne	Kean	Stinson
Conroy	Kelly	Sutherland
Corne	Kilbourne	Tate
Cowen	Landry, A.	Tobias
De Blieux	Lanier	Wattigny
Dunlap	LeBleu	Willis
Duval	McDaniel	Zervigon

Total—60.

NOT VOTING

Delegates—

Mr. Chairman	Kilpatrick	Slay
Avant	Lambert	Stephenson
Bergeron	Leigh	Tapper
Blair	Lowe	Thistlethwaite
Brown	Mire	Thompson
Dennery	Munson	Ullo
Derbes	Nunez	Vesich
Deshotels	Ourso	Vick
Drew	Planchard	Wall
Edwards	Pugh	Weiss
Elkins	Rayburn	Winchester
Goldman	Segura	Womack
Jack		

Total—37.

And the amendment was rejected.

Delegate Smith moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Conroy sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Conroy to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, between lines 1 and 2, insert the following:
“(D) The preceding provisions of this Section relating to the State Board of Elementary and Secondary Education shall take effect only if the office of state superintendent of education ceases to be an elective office. So long as the office of state superintendent of education is an elective office, there shall be a department of elementary and secondary education headed by the state superintendent of education with the powers and duties provided in paragraph (A) of this section for the State Board of Elementary and Secondary Education.”

On motion of Delegate Conroy the amendment was withdrawn.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 2, delete lines 20 through 23, both inclusive, in their entirety, and on line 24 delete the words and punctuation “to be determined by the legislature.” and all amendments thereto and insert in lieu thereof the following:

“(B) Membership; Terms. The board shall consist of eleven members, eight of whom shall be elected from single-member districts to be determined by the legislature and three of whom shall be appointed by the governor with the consent of the Senate from the state at large. Each member appointed by the governor shall be chosen from a list of three nominees submitted in turn by the presidents of the following colleges as provided by law: Dillard University, Centenary College, Xavier University, Tulane University, Loyola University, Louisiana College, and St. Mary's Dominican College.”

Delegate Jenkins moved the adoption of the amendment.

Delegate Stovall objected.

By a vote of 23 yeas and 72 nays the amendment was rejected.

Delegate Stovall moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 4 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Fontenot	Mauberet
Abraham	Fowler	Maybuce
Aertker	Fulco	Miller
Alexander	Gauthier	Morris
Arnette	Giarrusso	Perez
Badeaux	Ginn	Perkins
Bel	Graham	Reeves
Blair	Gravel	Riecke
Brien	Grier	Roy
Burns	Guarisco	Sandoz
Burson	Hardee	Schmitt
Cannon	Hayes	Shannon
Carmouche	Hernandez	Smith
Casey	Jackson, A.	Soniati
Champagne	Jackson, J.	Stagg
Chatelain	Juneau	Stovall
Chehardy	Kean	Sutherland
Comar	Kelly	Tate
Conino	Kilpatrick	Toca
Conroy	Lambert	Toomy
Corne	Landrum	Velazquez
Cowen	Landry, A.	Warren
D'Gerolamo	Landry, E. J.	Wattigny
De Blieux	Lanier	Willis
Dennis	LeBleu	Wisham
Dunlap	McDaniel	Zervigon
Flory	Martin	
Total—80.		

NAYS

Delegates—		
Alario	Fayard	O'Neill
Anzalone	Haynes	Rachal
Asseff	Jenkins	Roemer
Bollinger	Kilbourne	Singletary
Drew	Leithman	Stinson
Duval	Newton	Tobias
Total—18.		

NOT VOTING

Delegates—		
Avant	Leigh	Stephenson
Bergeron	Lowe	Tapper
Brown	Mire	Thistlethwaite
Dennery	Munson	Thompson
Derbes	Nunez	Uilo
Deshotels	Ourso	Vesich
Edwards	Planchard	Vick
Elkins	Pugh	Wall
Goldman	Rayburn	Weiss
Heine	Segura	Winchester
Jack	Slay	Womack
Total—33.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 5. Qualifications and Certification of Teachers

Section 5. The board shall prescribe and provide for the qualifications to be met by teachers and for the certification of teachers of public elementary and secondary and special schools.

Read.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman, and Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 2 through 6, both inclusive, in their entirety

Delegate Juneau moved the adoption of the amendment.

Delegate Cannon objected.

By a vote of 66 yeas and 28 nays the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 6. Approval of Private Schools; Effect

Section 6. The board shall approve private elementary, secondary, and proprietary schools whose sustained curriculum is of a quality equal to that prescribed for similar public schools. The certificates issued by private schools so approved shall carry the same privileges as those issued by the state public schools.

Read.

Delegate Flory sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Flory to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 10, at the beginning of the line, immediately after the partial word "lum" insert the following: "or specialized course of study"

On motion of Delegate Flory the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Jenkins to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 8, after the word "shall" and before the word "approve" insert a comma "," and the following: "upon application,"

AMENDMENT No. 2—

On page 3, line 10, after the word "to" and before the word "that" insert the following: "or better than"

On motion of Delegate Jenkins the amendments were adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 6 was read, as amended

Delegate E. J. Landry moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fowler	O'Neill
Aertker	Fulco	Perez
Alexander	Gauthier	Perkins
Anzalone	Giarrusso	Planchard
Arnette	Ginn	Rachal
Asseff	Graham	Reeves
Avant	Gravel	Riecke
Bel	Grier	Roemer
Bergeron	Guarisco	Schmitt
Blair	Hardee	Segura
Bollinger	Hayes	Shannon
Brien	Heine	Singletary
Burns	Hernandez	Slay
Burson	Jackson, J.	Smith
Cannon	Jenkins	Stagg
Carmouche	Juneau	Stephenson
Casey	Kelly	Stinson
Champagne	Kilbourne	Stovall
Chatelain	Kilpatrick	Toomy
Conino	Lambert	Ullo
Comar	Landrum	Vesich
Corne	Landry, E. J.	Vick
Cowen	Leigh	Wall
Drew	McDaniel	Wattigny
Dunlap	Martin	Willis
Duval	Martinez	Wisham
Fayard	Mire	Womack
Flory	Morris	
Fontenot	Munson	
Total—85.		

NAYS

Delegates—

Alario	Landry, A.	Tate
Badeaux	Lanier	Tobias
Chehardy	Leithman	Toca
Conroy	Newton	Velazquez
D'Gerolamo	Roy	Warren
De Blieux	Soniat	Zervigon
Dennis	Sutherland	
Total—20.		

NOT VOTING

Delegates—

Mr. Chairman	Jack	Pugh
Brown	Jackson, A.	Rayburn
Dennery	Kean	Sandoz
Derbes	LeBleu	Tapper
Deshotels	Lowe	Thistlethwaite
Edwards	Mauberret	Thompson
Elkins	Miller	Weiss
Goldman	Nunez	Winchester
Haynes	Ourso	
Total—26.		

And the Chair declared that the above Section was finally passed.

Delegate Landry moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 7. Board of Regents

Section 7. (A) Board of Regents; establishment. There is created a body corporate known as the Board of Regents. The board shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have such other powers, duties, and responsibilities as are provided in this Section and by law.

(B) Board membership; terms. The members of the board shall be appointed by the governor with the consent of the Senate for overlapping terms of six years, following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Board members; per diem and expenses. The members of the Board of Regents, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Trustees for State Colleges and Universi-

ties, and any other board created pursuant to this Article shall serve without pay, but the legislature may fix the per diem and expenses to be paid to them.

(D) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

(E) Powers of the board. (1) The board shall have coordinating responsibilities as it relates to the elementary and secondary educational curricula. (2) The board shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

(a) To revise or eliminate any existing degree program, department of instruction, division, or similar subdivision.

(b) To approve, disapprove, or modify any proposed degree program, department of instruction, division, or similar subdivision.

(c) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution is proposed, or an additional management board for an institution or group of institutions is proposed, or a proposal is made to transfer an existing institution from one board to another, the board shall report its findings and recommendations within one year to the legislature. Only after this written report has been filed, or if no report is filed within one year, the legislature may take affirmative action on such a proposal by vote of two-thirds of the membership of each house.

(d) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

(e) To require the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other board hereafter created pursuant to this Section to submit to it, at times specified by it, their annual budget proposals for the operational and capital needs of each institution under the control of each. The Board of Regents shall submit its recommendations on budgets for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements.

(F) Powers not vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested in the Board of Regents by this Section are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and to the Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Section.

Read.

Delegate Stinson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stinson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 18, place a comma “,” immediately after the word “education” and add the following: “except Louisiana State University and Agricultural and Mechanical College.”

Delegate Stinson moved the adoption of the amendment.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Asseff	Avant	Burns

Heine	Landry, E. J.	Riecke
Jenkins	Leigh	Stinson
Kean	Miller	
Kilbourne	O'Neill	
Total—13.		

NAYS

Delegates—	Fulco	Rachal
Abraham	Gauthier	Reeves
Aertker	Giarrusso	Roemer
Alario	Ginn	Roy
Alexander	Graham	Schmitt
Anzalone	Gravel	Segura
Arnette	Grier	Shannon
Badeaux	Hardee	Singletary
Bel	Hayes	Slay
Bergeron	Haynes	Smith
Blair	Hernandez	Soniat
Bollinger	Jackson, A.	Stagg
Brien	Jackson, J.	Stephenson
Burson	Juneau	Stovall
Cannon	Kelly	Sutherland
Carmouche	Kilpatrick	Tapper
Casey	Lambert	Tate
Champagne	Landrum	Thompson
Chatelain	Landry, A.	Tobias
Chehardy	Lanier	Toca
Comar	LeBleu	Toomy
Conino	Leithman	Ullo
Conroy	McDaniel	Velazquez
Corne	Martin	Vesich
Cowen	Mauberrert	Vick
D'Gerolamo	Maybuce	Wall
De Blieux	Mire	Warren
Dennis	Morris	Wattigny
Drew	Munson	Willis
Dunlap	Newton	Winchester
Duval	Ourso	Wisham
Elkins	Perez	Womack
Flory	Perkins	Zervigon
Fontenot	Planchard	
Fowler		
Total—101.		

NOT VOTING

Delegates—	Fayard	Pugh
Mr. Chairman	Goldman	Rayburn
Brown	Guarisco	Sandoz
Dennery	Jack	Thistlethwaite
Derbes	Lowe	Weiss
Deshotels	Nunez	
Edwards		
Total—17.		

And the amendment was rejected.

Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Chatelain sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Chatelain, Lanier, Roemer, Kelly, Ginn, and Reeves to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Board membership; terms. The board shall consist of eleven members. One member shall be elected from each of eight single-member districts to be determined by the legislature, and three members shall be appointed by the governor with the consent of the Senate from the state at large. The members shall serve overlapping terms of six years, following initial terms which shall be determined by the legislature."

Delegate Chatelain moved the adoption of the amendment.

Delegate O'Neill objected.

By a vote of 55 yeas and 60 nays the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stagg sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stagg to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Board membership; terms. The Board shall be composed of two members elected from each of the congressional districts into which the state is divided, and one member shall be appointed from the state at large by the governor with the consent of the senate, for overlapping terms of six years, following initial terms which shall be fixed by law."

Delegate Stagg moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Drew	Perkins
Mr. Chairman	Fowler	Riecke
Abraham	Fulco	Roy
Anzalone	Gauthier	Schmitt
Arnette	Guarisco	Shannon
Badeaux	Heine	Stagg
Bel	Jenkins	Stinson
Bollinger	Juneau	Sutherland
Brien	Kilbourne	Tobias
Burns	Miller	Toomy
Cannon	O'Neill	Ullo
Casey	Ourso	Willis
Chatelain	Perez	Zervigon
Corne		
Total—39.		

NAYS

Delegates—	Ginn	Morris
Aertker	Graham	Munson
Alario	Gravel	Newton
Alexander	Grier	Planchard
Asseff	Hardee	Rachal
Avant	Hayes	Reeves
Bergeron	Haynes	Roemer
Blair	Hernandez	Segura
Brown	Jackson, A.	Singletary
Burson	Jackson, J.	Slay
Carmouche	Kean	Smith
Champagne	Kelly	Soniat
Chehardy	Kilpatrick	Stephenson
Comar	Lambert	Stovall
Conino	Landrum	Tapper
Conroy	Landry, A.	Tate
Cowen	Landry, E. J.	Thompson
D'Gerolamo	Lanier	Toca
De Blieux	Leigh	Velazquez
Dennis	Leithman	Vesich
Dunlap	McDaniel	Vick
Duval	Martin	Wall
Elkins	Mauberrert	Warren
Flory	Maybuce	Wisham
Fontenot	Mire	Womack
Giarrusso		
Total—75.		

NOT VOTING

Delegates—	Edwards	Jack
Dennery	Fayard	LeBlau
Derbes	Goldman	Lowe
Deshotels		

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Nunez	Sandoz	Weiss
Pugh	Thistlethwaite	Winchester
Rayburn	Wattigny	
Total—17.		

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kelly to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and insert in lieu thereof the following:

"(B) Membership; Terms. The board shall consist of eleven members, three of whom shall be appointed by the governor, with the consent of the Senate, and eight of whom shall be elected, one from each of the congressional districts into which the state is divided. The members shall serve overlapping terms of six years, following initial terms which shall be determined by the legislature."

Delegate Kelly moved the adoption of the amendment.

Delegate Womack objected.

By a vote of 69 yeas and 46 nays the amendment was adopted.

Delegate Perkins moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Sutherland sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Sutherland to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 29, delete the comma "," after the word "Regents" and delete the remainder of line 29 and all of lines 30 and 31 and at the beginning of line 32, delete the partial word and punctuation "ties,"

Delegate Sutherland moved the adoption of the amendment.

Delegate Womack objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Giarrusso	Soniat
Badeaux	Jackson, J.	Sutherland
Bel	Juneau	Tobias
Bergeron	Kelly	Toca
Bollinger	Landrum	Toomy
Casey	LeBleu	Velazquez
Conroy	Leithman	Vesich
Corne	Rachal	Warren
D'Gerolamo	Schmitt	Willis
Gauthier	Singletary	Zervigon
Total—30.		

NAYS

Delegates—

Abraham	Ginn
Aertker	Graham
Alexander	Gravel
Anzalone	Grier
Arnette	Guarisco
Asseff	Hardee
Avant	Hayes
Blair	Haynes
Brien	Heine
Brown	Hernandez
Burns	Jackson, A.
Burson	Jenkins
Cannon	Kean
Carmouche	Kilbourne
Champagne	Kilpatrick
Chehardy	Lambert
Conino	Landry, A.
Cowen	Landry, E. J.
De Blieux	Lanier
Dennis	Leigh
Drew	McDaniel
Dunlap	Martin
Duval	Mauberret
Elkins	Maybuce
Flory	Miller
Fontenot	Mire
Fowler	Morris
Fulco	
Total—82.	

NOT VOTING

Delegates—

Mr. Chairman	Fayard	Pugh
Chatelain	Goldman	Rayburn
Comar	Jack	Sandoz
Dennery	Lowe	Tapper
Derbes	Nunez	Thistlethwaite
Deshotels	Ourso	Weiss
Edwards		
Total—19.		

And the amendment was rejected.

Delegate Womack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson, Flory, Haynes, Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 21, in Floor Amendment No. 1 proposed by Delegate Kelly and adopted by the Convention on November 13, 1973, on line 7 of the language added by that amendment, at the end of the line, add the following:

"Not less than two members of the board shall be from the predominant minority race of the state."

Delegate A. Jackson moved the adoption of the amendment.

Delegate Jenkins objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Corne	Gravel
Alexander	D'Gerolamo	Guarisco
Avant	Dennis	Hayes
Bergeron	Drew	Haynes
Blair	Flory	Jackson, A.
Brien	Fowler	Jackson, J.
Burson	Fulco	Kelly
Chehardy	Giarrusso	Kilpatrick

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Lambert	Rachal	Tobias
Landrum	Riecke	Toomy
Landry, E. J.	Roy	Velazquez
Leithman	Schmitt	Vick
Maybuce	Soniat	Wall
Miller	Stagg	Warren
Mire	Stephenson	Winchester
Newton	Stovall	Wisham
Total—48.		

NAYS

Delegates—		
Anzalone	Fontenot	Planchard
Arnette	Gauthier	Reeves
Asseff	Graham	Roemer
Badeaux	Grier	Segura
Bel	Heine	Shannon
Bollinger	Jenkins	Singletary
Brown	Kean	Slay
Cannon	Kilbourne	Smith
Carmouche	Landry, A.	Stinson
Casey	Lanier	Sutherland
Champagne	LeBleu	Tate
Chatelain	Leigh	Thompson
Conino	McDaniel	Toca
Conroy	Martin	Ullo
Cowen	Mauberrert	Vesich
De Blieux	Morris	Wattigny
Dunlap	O'Neill	Willis
Duval	Perez	Womack
Elkins	Perkins	Zervigon
Total—57.		

NOT VOTING

Delegates—		
Mr. Chairman	Fayard	Nunez
Abraham	Ginn	Ourso
Aertker	Goldman	Pugh
Burns	Hardee	Rayburn
Comar	Hernandez	Sandoz
Dennery	Jack	Tapper
Derbes	Juneau	Thistlethwaite
Deshotels	Lowe	Weiss
Edwards	Munson	
Total—25.		

And the amendment was rejected.

Delegate Jenkins moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Haynes moved that the Convention take up other order of business at this time.

Delegate Abraham objected.

By a vote of 18 yeas and 78 nays the Convention refused to take up other orders of business at this time.

Delegate Stovall sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stovall to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and strike out Convention Floor Amendment No. 1 proposed by Delegate Kelly and adopted by the Convention on November 13, 1973, and insert in lieu thereof the following:

"(B) Board Membership; terms. The membership of the Board of Regents shall be determined in the same manner as provided in Section 4 of this Article."

Delegate Stovall moved the adoption of the amendment.

Delegate Perez objected.

By a vote of 30 yeas and 74 nays the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Jenkins to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 8, after the word "the" and before the word "elementary" insert the word "public"

On motion of Delegate Jenkins the amendment was adopted.

Delegate Jenkins moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows.

AMENDMENT No. 1—

On page 4, line 7, immediately after the word and punctuation "board," delete the remainder of the line and delete lines 8 and 9 in their entirety including Convention Floor Amendment No. 1 proposed by Delegate Jenkins and adopted by the Convention on November 13, 1973, and insert in lieu thereof the following:

"The board shall"

Delegate Duval moved the adoption of the amendment.

Delegate Sutherland objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Fayard	Roemer
Alario	Gauthier	Roy
Anzalone	Giarrusso	Shannon
Arnette	Guarisco	Smith
Badeaux	Hardee	Stagg
Bel	Jackson, A.	Stinson
Bergeron	Jackson, J.	Stovall
Bollinger	Jenkins	Tate
Brien	Juneau	Thompson
Burns	Kilbourne	Tobias
Burson	Kilpatrick	Toca
Cannon	Landrum	Toomy
Casey	O'Neill	Ullo
Chatelain	Perez	Velazquez
Chehardy	Perkins	Wall
Conino	Rachal	Warren
Conroy	Reeves	Willis
De Blieux	Riecke	Zervigon
Duval		
Total—55.		

NAYS

Delegates—		
Aertker	Cowen	Fontenot
Asseff	D'Gerolamo	Fowler
Avant	Dennis	Fulco
Blair	Drew	Graham
Brown	Dunlap	Gravel
Carmouche	Elkins	Grier
Champagne	Flory	Hayes

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Haynes	Mauberet	Slay
Hernandez	Maybuce	Soniat
Kean	Mire	Stephenson
Lambert	Morris	Sutherland
Landry, E. J.	Newton	Vick
Lanier	Planchar	Wattigny
Leigh	Schmitt	Winchester
McDaniel	Segura	Wisham
Martin	Singletary	Womack
Total—48.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Nunez
Alexander	Jack	Ourso
Comar	Kelly	Pugh
Corne	Landry, A.	Rayburn
Dennery	LeBleu	Sandoz
Derbes	Leithman	Tapper
Deshotels	Lowe	Thistlethwaite
Edwards	Miller	Vesich
Ginn	Munson	Weiss
Goldman		
Total—28.		

And the amendment was adopted.

Delegate Duval moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 7 by Delegate Aertker et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, delete lines 14 and 15, both inclusive, in their entirety.

Delegate A. Jackson moved the adoption of the amendment.

Delegate Brown objected.

By a vote of 15 yeas and 87 nays the amendment was rejected.

Delegate Womack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Kelly sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Kelly to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, between lines 4 and 5, add the following: "Student credit hours and the level of student credit hours shall be factors included in the formula."

Delegate Kelly moved the adoption of the amendment.

Delegate Womack objected.

By a vote of 9 yeas and 96 nays the amendment was rejected.

Delegate Womack moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stinson sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Stinson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 11, place a comma "," after the word "education" and insert the following: "except Louisiana State University and Agricultural and Mechanical College."

AMENDMENT No. 2—

On page 5, delete lines 5, 6 and 7 in their entirety and insert in lieu thereof the following:

"(e) to require the Board of Trustees of State Colleges and Universities"

Delegate Stinson moved the adoption of the amendments.

Delegate Aertker objected.

By a vote of 17 yeas and 86 nays the amendments were rejected.

Delegate Aertker moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Morris moved to take up other orders of business at this time.

Delegate Gravel objected.

By a vote of 41 yeas and 56 nays the Convention refused to take up other orders at this time.

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Juneau and Cowen to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 8, at the end of the line, delete the partial word "Sec-" and on line 9, at the beginning of the line, delete the partial word "tion" and insert in lieu thereof the word "Article"

AMENDMENT No. 2—

On page 5, line 25, at the end of the line, immediately after the word "this" delete the word "Section" and insert in lieu thereof the word "Article"

AMENDMENT No. 3—

On page 5, line 8, immediately after the word "other" and before the word "board" insert the words "higher education"

On motion of Delegate Juneau the amendments were adopted.

Delegate Juneau moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Zervigon to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 17, immediately after the word and punctuation "vested" and before the words "of management" insert the following:

"Subject to the provisions of Paragraph (A) of this Section the powers"

Delegate Zervigon moved the adoption of the amendment.

Delegate Kean objected.

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By a vote of 19 yeas and 84 nays the amendment was rejected.

Delegate Kean moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Morris moved that the Convention take up other orders of business at this time.

As a substitute Delegate Kelly moved the previous question on the Section.

Delegate Morris objected.

The vote recurred on the substitute motion.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Abraham	Juneau	Shannon
Bel	Kelly	Slay
Bollinger	Lanier	Smith
Burson	Mauberret	Stagg
Champagne	Perkins	Stinson
Dunlap	Riecke	Sutherland
Duval	Roemer	Tobias
Gauthier	Roy	Ullo
Jenkins	Schmitt	Zervigon
Total—27.		

NAYS

Delegates—		
Aertker	Elkins	Maybuce
Alario	Flory	Mire
Anzalone	Fowler	Morris
Arnette	Fulco	O'Neill
Asseff	Giarrusso	Perez
Avant	Ginn	Planchard
Badeaux	Graham	Rachal
Bergeron	Gravel	Reeves
Blair	Grier	Segura
Brien	Guarisco	Singletary
Brown	Hardee	Soniat
Burns	Hayes	Stephenson
Cannon	Haynes	Stovall
Carmouche	Hernandez	Tapper
Casey	Jackson, A.	Tate
Chatelain	Jackson, J.	Thompson
Chehardy	Kean	Toca
Comar	Kilpatrick	Toomy
Conino	Landrum	Wall
Conroy	Landry, A.	Warren
Cowen	Landry, E. J.	Wattigny
D'Gerolamo	LeBleu	Willis
De Blieux	Leigh	Winchester
Dennis	McDaniel	Wisham
Drew	Martin	
Total—74.		

NOT VOTING

Delegates—		
Mr. Chairman	Heine	Ourso
Alexander	Jack	Pugh
Corne	Kilbourne	Rayburn
Dennery	Lambert	Sandoz
Derbes	Leithman	Thistlethwaite
Deshotels	Lowe	Velazquez
Edwards	Miller	Vesich
Fayard	Munson	Vick
Fontenot	Newton	Weiss
Goldman	Nunez	Womack
Total—30.		

And the Convention refused to order the previous question on the Section.

Delegate Morris insisted upon his motion to take up other orders of business at this time.

By a vote of 61 yeas and 44 nays the Convention took up other Orders of Business at this time.

COMMITTEE NOTICE

Delegate Lambert, chairman of the Committee on Natural Resources and Environment, sent up the following notice:

The Committee on Natural Resources and Environment will meet on Wednesday, November 14, 1973, at 6:00 o'clock P.M. in the Senate Lounge and will consider the following agenda:

AGENDA

To complete the committee proposal.

Respectfully submitted,

LOUIS J. LAMBERT, JR.

Chairman of the Committee on
Natural Resources and Environment

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

COMMITTEE NOTICE

Delegate Lanier, chairman of the Sub-Committee on Transitional Measures for Local and Parochial Government, sent up the following notice:

The Sub-Committee on Transitional Measures for Local and Parochial Government will meet on Wednesday, November 14, 1973, after adjournment in Committee Room No. 4 and will consider the following agenda:

AGENDA

To take final action on subcommittee report.

Respectfully submitted,

WALTER I. LANIER, JR.

Chairman of the Sub-Committee on
Transitional Measures for Local and
Parochial Government

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Goldman—4 days.
Delegate Deshotels—November 13, through November 21.
Delegate Weiss—2 days.
Delegate Jack—1 day.
Delegate Dennery—1 day.
Delegate Rayburn—1 day.
Delegate Segura—½ day.
Delegate Vesich—½ day.
Delegate Sandoz—½ day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Wednesday, November 14, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Wednesday, November 14, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

**OFFICIAL JOURNAL
OF THE
CONSTITUTIONAL CONVENTION
OF 1973
OF THE
STATE OF LOUISIANA**

EIGHTY-FIFTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Wednesday, November 14, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by Hon. Thomas Casey, Vice-Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to their names:

PRESENT

Delegates—

Mr. Chairman
Abraham
Aertker
Alario
Alexander
Anzalone
Arnette
Asseff
Avant
Badeaux
Bel
Bergeron
Blair
Bollinger
Brien
Brown
Burns
Burson
Cannon
Carmouche
Casey
Champagne
Chatelain
Comar
Conino
Conroy
Corne
Cowen
D'Gerolamo
De Blieux
Dennery
Dennis
Derbes
Drew
Dunlap
Duval
Edwards
Elkins
Fayard
Flory
Fontenot

Fowler
Fulco
Gauthier
Giarrusso
Ginn
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Heine
Hernandez
Jack
Jackson, A.
Jackson, J.
Jenkins
Juneau
Kean
Kelly
Kilbourne
Kilpatrick
Lambert
Landrum
Landry, A.
Landry, E. J.
Lanier
LeBleu
Leigh
Leithman
McDaniel
Martin
Maubert
Maybuca
Miller
Mire
Morris
Munson
Newton
O'Neill

Ourso
Perez
Perkins
Planchard
Pugh
Rachal
Reeves
Riecke
Roemer
Roy
Sandoz
Schmitt
Segura
Shannon
Singletary
Slay
Smith
Soniati
Stagg
Stephenson
Stinson
Stovall
Sutherland
Tapper
Tate
Thompson
Tobias
Toca
Toomy
Ullo
Velazquez
Vesich
Vick
Wall
Warren
Wattigny
Willis
Winchester
Wisham
Womack
Zervigon

Total—123.

ABSENT

Delegates—

Chehardy
Deshotels
Goldman

Lowe
Nunez
Rayburn

Total—8.

The Chairman announced that there were 123 members present and a quorum.

Prayer

Prayer was offered by Delegate Conroy.

Pledge of Allegiance

Delegate Badeaux led the Convention in reciting the Pledge of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Juneau, the reading of the Journal was dispensed with.

On motion of Delegate Juneau, the Journal of yesterday was adopted.

Regular Order

Unfinished Business

The following unfinished business in which the Convention was engaged at the time of its adjournment on yesterday was taken up and acted on:

COMMITTEE PROPOSAL No. 7—

Introduced by Delegate Aertker, Chairman, on behalf of the Committee on Education and Welfare and Delegates Carmouche, Cowen, Flory, Hernandez, Landry, Segura, Silverburg, Thistlethwaite, Toca and Wisham:

A PROPOSAL

Making provisions for education and necessary provisions with respect thereto.

Read.

Section 7. Board of Regents

Section 7. (A) Board of Regents; establishment. There is created a body corporate known as the Board of Regents. The board shall plan, coordinate, and have budgetary responsibility for all public higher education and shall have such other powers, duties, and responsibilities as are provided in this Section and by law.

(B) Board membership; terms. The members of the board shall be appointed by the governor with the consent of the Senate for overlapping terms of six years, following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Board members; per diem and expenses. The members of the Board of Regents, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Board of Trustees for State Colleges and Universities, and any other board created pursuant to this Article shall serve without pay, but the legislature may fix the per diem and expenses to be paid to them.

(D) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

(E) Powers of the board. (1) The board shall have coordinating responsibilities as it relates to the elementary and secondary educational curricula. (2) The board shall have the following powers, duties, and responsibilities with respect to all public institutions of higher education and post-secondary vocational-technical training and career education:

(a) To revise or eliminate any existing degree program, department of instruction, division, or similar subdivision.

(b) To approve, disapprove, or modify any proposed degree program, department of instruction, division, or similar subdivision.

(c) To study the need for and feasibility of any new institution of post-secondary education, including branches of institutions and conversion of two-year institutions to institutions offering longer courses of study. If the creation of a new institution is proposed, or an additional management board for an institution or group of institutions is proposed, or a proposal is made to transfer an existing institution from one board to another, the board shall report its findings and recommendations within one year to the legislature. Only after this written report has been filed, or if no report is filed within one year, the legislature may take affirmative action on such a proposal by vote of two-thirds of the membership of each house.

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(d) To formulate and make timely revision of a master plan for higher education and post-secondary vocational-technical training and career education. As a minimum, the plan shall include a formula for the equitable distribution of funds to the institutions of higher education of the state.

(e) To require the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other board hereafter created pursuant to this Section to submit to it, at times specified by it, their annual budget proposals for the operational and capital needs of each institution under the control of each. The Board of Regents shall submit its recommendations on budgets for all institutions of higher education and post-secondary vocational-technical training and career education in the state. It shall recommend priorities for capital construction and improvements.

(F) Powers not vested. Powers of management over public institutions of higher education and post-secondary vocational-technical training and career education not specifically vested in the Board of Regents by this Section are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and to the Board of Trustees for State Colleges and Universities as to the institutions under the control of each or to any board created pursuant to this Section.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 7, Section 7, when it adjourned on Tuesday, November 13, 1973, which was taken up and acted upon as follows:

Delegate Morris sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Flory and Morris to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and all amendments adopted thereto and insert in lieu thereof the following:

"(B) Board membership; terms. The board shall consist of fifteen electors appointed by the governor, with the consent of the Senate, for overlapping terms of six years, following initial terms which shall be fixed by law. There shall be at least one member, and no more than two members, appointed from each of the several congressional districts."

Motion

Delegate Zervigon moved the previous question on the amendment.

Delegate Gravel objected.

By a vote of 18 yeas and 63 nays the convention refused to order the previous question at this time.

Delegate Morris moved the adoption of the amendment.

Delegate Burns objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Brien	Conroy
Aertker	Burson	Cowen
Arnette	Cannon	De Blieux
Asseff	Carmouche	Derbes
Avant	Champagne	Elkins
Blair	Comar	Flory

Fontenot
Fulco
Graham
Gravel
Grier
Guarisco
Hardee
Hayes
Haynes
Hernandez
Jack
Jackson, A.
Jackson, J.
Kean
Kilpatrick
Total—62.

Delegates—

Alario
Anzalone
Badeaux
Bel
Bergeron
Bollinger
Burns
Casey
Chatelain
Conino
Corne
Dennery
Dennis
Drew
Dunlap
Total—44.

Delegates—

Mr. Chairman
Alexander
Brown
Chehardy
D'Gerolamo
Deshotels
Edwards
Fayard
Goldman
Total—25.

And the amendment was adopted.

Delegate Flory moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Delegate Aertker sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Aertker to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 4, line 7, immediately after the word and punctuation "board," insert the following:

"(1) The Board of Regents shall meet with the State Board of Elementary and Secondary Education at least twice a year to coordinate programs of public elementary, secondary, vocational-technical, career, and higher education."

Delegate Aertker moved the adoption of the amendment.

Delegate Bollinger objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Bel	Carmouche
Aertker	Brien	Champagne
Arnette	Burns	Comar
Asseff	Burson	Conino
Avant	Cannon	Conroy

Landrum
Landry, E. J.
Leigh
McDaniel
Martin
Maybuce
Mire
Morris
O'Neill
Planchard
Pugh
Rachal
Sandoz
Shannon
Singletary

NAYS

Duval
Fowler
Gauthier
Giarrusso
Ginn
Jenkins
Juneau
Kelly
Kilbourne
Landry, A.
Lanier
LeBleu
Miller
Perez
Perkins

Slay
Smith
Soniat
Tate
Thompson
Tobias
Toca
Velazquez
Vesich
Vick
Warren
Wattigny
Winchester
Wisham

Reeves
Riecke
Roemer
Roy
Schmitt
Stagg
Stephenson
Stinson
Stovall
Sutherland
Toomy
Ullo
Willis
Zervigon

NOT VOTING

Heine
Lambert
Leithman
Lowe
Mauberret
Munson
Newton
Nunez
Ourso
Rayburn
Segura
Tapper
Thistlethwaite
Wall
Weiss
Womack

Cowen	Kean	Singletary
Dennery	Kilpatrick	Slay
Dennis	Landry, A.	Soniat
Drew	Landry, E. J.	Stephenson
Elkins	Lanier	Sutherland
Flory	LeBleu	Tapper
Fontenot	Leigh	Tate
Fowler	McDaniel	Thompson
Fulco	Martin	Tobias
Ginn	Maybuce	Toca
Graham	Mire	Ullo
Gravel	Morris	Velazquez
Grier	O'Neill	Vesich
Guarisco	Perez	Vick
Hardee	Perkins	Warren
Hayes	Planchard	Wattigny
Haynes	Pugh	Willis
Heine	Rachal	Winchester
Hernandez	Reeves	Wisham
Jack	Riecke	Zervigon
Jackson, A.	Sandoz	
Jackson, J.	Schmitt	
Total—79.		

NAYS

Delegates—		
Alario	De Blieux	Miller
Anzalone	Derbes	Roemer
Badeaux	Duval	Roy
Bergeron	Gauthier	Shannon
Blair	Giarrusso	Smith
Bollinger	Jenkins	Stagg
Casey	Juneau	Stinson
Chatelain	Kelly	Toomy
Corne	Kilbourne	
Total—26.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Ourso
Alexander	Lambert	Rayburn
Brown	Landrum	Segura
Chehardy	Leithman	Stovall
D'Gerolamo	Lowe	Thistlethwaite
Deshotels	Mauberret	Wall
Dunlap	Munson	Weiss
Edwards	Newton	Womack
Fayard	Nunez	
Total—26.		

And the amendment was adopted.

Delegate Aertker moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate A. Jackson moved the previous question on Committee Proposal No. 7, Section 7.

Delegate Zervigon objected.

By a vote of 37 yeas and 61 nays, the Convention refused to order the previous question at this time.

Delegate Miller sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Miller to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, line 15, immediately after the word and punctuation "establishment," delete the words "There is" and delete lines 16 through 20, both inclusive, in their entirety and insert in lieu thereof the following:

"There shall be a body corporate known as the Board of Regents of the University of Louisiana, which shall be composed of all publicly supported university systems and all publicly supported universities and colleges now existing

or hereafter created. The board shall be responsible for the government, control, and budgetary management of the University of Louisiana and shall exercise such powers, functions, duties and responsibilities for these purposes as are provided by this Section and by law."

AMENDMENT No. 2—

On page 3, line 29, delete the comma "," after the word "Regents" and delete the remainder of the line and delete lines 30 through 32, in their entirety

AMENDMENT No. 3—

On page 5, line 5, immediately after the word "the" delete the remainder of the line and delete lines 6 through 8, both inclusive, in their entirety and at the beginning of line 9, delete the partial word "tion" and insert in lieu thereof the following:
"university systems, universities, and colleges governed by it forming the University of Louisiana"

AMENDMENT No. 4—

On page 5, delete lines 17 through 25, both inclusive, in their entirety

Delegate Miller moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Giarrusso	Soniat
Arnette	Guarisco	Sutherland
Badeaux	Juneau	Tobias
Bergeron	Kelly	Toca
Bollinger	LeBleu	Toomy
Casey	Leithman	Velazquez
Chatelain	Miller	Warren
Conino	Newton	Willis
Corne	Perez	Winchester
Derbes	Rachal	Zervigon
Duval	Roemer	
Gauthier	Schmitt	
Total—34.		

NAYS

Delegates—		
Abraham	Fulco	Morris
Aertker	Ginn	Munson
Anzalone	Graham	O'Neill
Asseff	Gravel	Perkins
Avant	Grier	Planchard
Bel	Hayes	Pugh
Blair	Haynes	Reeves
Brien	Heine	Riecke
Burns	Hernandez	Roy
Burson	Jack	Sandoz
Cannon	Jackson, A.	Singletary
Carmouche	Jackson, J.	Slay
Champagne	Jenkins	Smith
Comar	Kean	Stagg
Conroy	Kilbourne	Stephenson
Cowen	Kilpatrick	Stinson
De Blieux	Landrum	Stovall
Dennery	Landry, A.	Tapper
Dennis	Landry, E. J.	Tate
Drew	Lanier	Thompson
Dunlap	Leigh	Ullo
Edwards	McDaniel	Vesich
Elkins	Martin	Wall
Flory	Maybuce	Wattigny
Fontenot	Mire	Wisham
Fowler		
Total—76.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Rayburn
Alexander	Hardee	Segura
Brown	Lambert	Shannon
Chehardy	Lowe	Thistlethwaite
D'Gerolamo	Mauberret	Vick
Deshotels	Nunez	Weiss
Fayard	Ourso	Womack
Total—21.		

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And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alario sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Alario to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 3, delete lines 21 through 27, both inclusive, in their entirety and all amendments adopted thereto and insert in lieu thereof the following:

“(B) Board membership; terms. The board shall consist of fifteen electors. There shall be one member elected from each congressional district of the state. The remaining members shall be appointed by the governor with the consent of the Senate, provided however, each congressional district shall not have more than one appointed member. The members shall serve for overlapping terms of six years following initial terms fixed by law.”

Delegate Alario moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fowler	Planchard
Anzalone	Gauthier	Reeves
Badeaux	Giarrusso	Roemer
Bergeron	Ginn	Schmitt
Bollinger	Grier	Stagg
Burns	Guarisco	Stinson
Casey	Heine	Stovall
Chatelain	Jenkins	Sutherland
Conino	Juneau	Thompson
Conroy	Kelly	Tobias
Corne	Kilbourne	Toca
Dennery	LeBleu	Toomy
Drew	Leithman	Ullo
Dunlap	Miller	Velazquez
Duval	Perez	Warren
Fontenot	Perkins	Zervigon

Total—48.

NAYS

Delegates—

Abraham	Gravel	Munson
Aertker	Hardee	Newton
Asseff	Hayes	O'Neill
Bel	Haynes	Pugh
Blair	Hernandez	Rachal
Brien	Jack	Riecke
Brown	Jackson, A.	Roy
Burson	Jackson, J.	Sandoz
Cannon	Kean	Shannon
Carmouche	Kilpatrick	Singletary
Champagne	Landrum	Slay
Comar	Landry, A.	Smith
Cowen	Landry, E. J.	Soniat
De Blieux	Lanier	Tapper
Dennis	Leigh	Tate
Derbes	McDaniel	Vesich
Edwards	Martin	Wabigny
Elkins	Maybuce	Willis
Flory	Mire	Winchester
Fulco	Morris	Wisham
Graham		

Total—61.

NOT VOTING

Delegates—

Mr. Chairman	Goldman	Segura
Alexander	Lambert	Stephenson
Arnette	Lowe	Thistlethwaite
Avant	Mauberret	Vick
Chehardy	Nunez	Wall
D'Gerolamo	Ourso	Weiss
Deshotels	Rayburn	Wornack
Fayard		

Total—22.

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Stovall sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stovall to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, line 11, after the word “institution” insert a period “.” and delete the remainder of the line and delete lines 12 through 16, both inclusive in their entirety and insert in lieu thereof the following:

“The Board of Regents shall submit proposed budgets for the operational needs on behalf of all post-secondary higher education in the state. It shall submit a capital outlay budget with recommendations on priority needs for capital construction and improvements.”

Delegate Stovall moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Derbes	Riecke
Alario	Gauthier	Roemer
Anzalone	Giarrusso	Schmitt
Bergeron	Ginn	Soniat
Bollinger	Jackson, J.	Stovall
Brown	Juneau	Sutherland
Burns	Kelly	Tobias
Chatelain	Landrum	Toomy
Conino	Leithman	Ullo
Corne	Newton	Velazquez
D'Gerolamo	Pugh	Willis
Dennis	Reeves	Zervigon

Total—36.

NAYS

Delegates—

Aertker	Edwards	Lanier
Arnette	Elkins	Leigh
Asseff	Flory	Martin
Avant	Fontenot	Maybuce
Badeaux	Fowler	Miller
Bel	Fulco	Mire
Blair	Graham	Morris
Brien	Gravel	Munson
Burson	Grier	O'Neill
Cannon	Guarisco	Perez
Carmouche	Hayes	Perkins
Casey	Haynes	Planchard
Champagne	Hernandez	Rachal
Comar	Jack	Roy
Conroy	Jackson, A.	Sandoz
Cowen	Jenkins	Singletary
De Blieux	Kean	Slay
Dennery	Kilbourne	Smith
Drew	Kilpatrick	Stagg
Dunlap	Landry, A.	Stephenson
Duval	Landry E. J.	Stinson

Tapper
Tate
Thompson
Total—71.

Toca
Vesich
Wattigny

Winchester
Wisham

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Chehardy
Deshotels
Fayard
Goldman
Hardee
Heine
Total—24.

Lambert
LeBleu
Lowe
McDaniel
Mauberetret
Nunez
Ourso
Rayburn

Segura
Shannon
Thistlethwaite
Vick
Wall
Warren
Weiss
Womack

And the amendment was rejected.

Delegate O'Neill moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7 Section 7 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Abraham
Aertker
Arnette
Asseff
Avant
Bel
Blair
Brien
Brown
Burns
Burson
Cannon
Carmouche
Champagne
Comar
Conroy
Cowen
D'Gerolamo
De Blieux
Dunlap
Elkins
Flory
Fulco
Graham
Gravel
Total—74.

Grier
Hardee
Hayes
Haynes
Hernandez
Jack
Jackson, A.
Jackson, J.
Kean
Kilbourne
Kilpatrick
Landrum
Landry, A.
Landry, E. J.
Lanier
Leigh
McDaniel
Martin
Maybuce
Mire
Morris
Munson
Newton
O'Neill
Perkins

Planchard
Pugh
Rachal
Roy
Sandoz
Segura
Shannon
Singleton
Slay
Smith
Soniati
Stagg
Stinson
Tapper
Tate
Thompson
Toca
Velazquez
Vesich
Wall
Warren
Wattigny
Winchester
Wisham

NAYS

Delegates—
Alario
Anzalone
Badeaux
Bergeron
Bollinger
Casey
Chatelain
Conino
Corne
Dennery
Dennis
Derbes
Drew
Total—38.

Duval
Fowler
Gauthier
Giarrusso
Ginn
Guarisco
Heine
Jenkins
Juneau
Kelly
LeBleu
Leithman
Miller

Perez
Reeves
Riecke
Roemer
Schmitt
Stovall
Sutherland
Tobias
Toomy
Ullo
Willis
Zervigon

NOT VOTING

Delegates—
Mr. Chairman
Alexander
Chehardy

Deshotels
Edwards
Fayard

Fontenot
Goldman
Lambert

Lowe
Mauberetret
Nunez
Ourso
Total—19.

Rayburn
Stephenson
Thistlethwaite
Vick

Weiss
Womack

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

On motion of Delegate Aertker the Convention deferred action on Committee Proposal 1, Section 8 at this time.

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Read.

Delegate Leithman sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Leithman to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 20 through 32, both inclusive, in their entirety, and on page 7, delete lines 1 through 8 both inclusive, in their entirety

Motion

Delegate O'Neill moved to suspend the rules for the purpose of allowing Delegate J. Jackson an additional 3 minutes to speak in regard to the amendment to Committee Proposal No. 7, Section 9.

Delegate Zervigon objected.

By a vote of 67 yeas and 9 nays the Rules were suspended.

Delegate Leithman moved the adoption of the amendment.

Delegate Stinson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Alario
Badeaux
Bel
Bergeron
Bollinger
Casey
Chatelain
Conino

Conroy
Corne
D'Gerolamo
Derbes
Fowler
Gauthier
Giarrusso
Jackson, A.

Jackson, J.
Juneau
Kelly
Landrum
LeBleu
Leithman
Miller
Rachal

Roemer	Tobias	Vick
Schmitt	Toca	Warren
Soniat	Toomy	Willis
Stovall	Uilo	Zervigon
Sutherland	Velazquez	
Tapper	Vesich	
Total—40.		

NAYS

Delegates—	Graham	Newton
Abraham	Gravel	O'Neill
Aertker	Grier	Ourso
Arnette	Guarisco	Perez
Asseff	Hardee	Perkins
Avant	Hayes	Planchard
Blair	Heine	Pugh
Brien	Hernandez	Reeves
Brown	Jack	Riecke
Burns	Jenkins	Sandoz
Burson	Kean	Segura
Cannon	Kilbourne	Shannon
Carmouche	Kilpatrick	Singletary
Champagne	Lambert	Slay
Cowen	Landry, A.	Smith
De Blieux	Landry, E. J.	Stagg
Dennery	Lanier	Stinson
Dennis	Leigh	Tate
Drew	McDaniel	Thompson
Dunlap	Martin	Wall
Duval	Mauberrert	Wattigny
Elkins	Maybuce	Winchester
Flory	Morris	Wisham
Fontenot	Munson	
Fulco		
Total—71.		

NOT VOTING

Delegates—	Fayard	Rayburn
Mr. Chairman	Ginn	Roy
Alexander	Goldman	Stephenson
Anzalone	Haynes	Thistlethwaite
Chehardy	Low	Weiss
Comar	Mire	Womack
Deshotels	Nunez	
Edwards		
Total—20.		

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate J. Jackson moved that the Convention take up Committee Proposal No. 7, Section 8 at this time.

Delegate Stagg objected.

By a vote of 39 yeas and 64 nays the Convention refused to take up Committee Proposal No. 7, Section 8 at this time.

Delegate Stinson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Stinson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 22 through 32, both inclusive, in their entirety and on page 7, delete lines 1 through 8, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. (A) There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College which, subject to the powers vested in the Board of Regents, shall direct, control, supervise, and manage the Louisiana State University and Agricultural and Mechanical College.

(B) The board shall consist of the governor, as ex officio member, and fourteen members appointed by the governor, with consent of the Senate. The appointive members of the board in office on the effective date of this Section shall continue to serve until the expiration of their respective terms. Thereafter, the members shall serve twelve-year overlapping terms. The legislature shall provide for the terms of two members to expire on June first of each even-numbered calendar year. At least one member shall be appointed from each Congressional district, but at least seven appointive members shall have been students at and graduates of Louisiana State University and Agricultural and Mechanical College. No person shall be appointed to the board who would attain the age of seventy years prior to the expiration of his term. The board shall elect, from its appointive members, a chairman and a vice chairman, and it shall elect a secretary, who need not be a member of the board.

(C) A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with consent of the Senate."

Delegate Stinson moved the adoption of the amendment.

Delegate Bergeron objected.

By a vote of 22 yeas and 84 nays the amendment was rejected.

Delegate Zervigon moved to reconsider the vote by which the amendment was rejected, and on her own motion, the motion to reconsider was laid on the table.

Delegate Abraham sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Abraham to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 1, after the word and punctuation "law." delete the remainder of the line and delete lines 2 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"The board shall consist of thirteen members, with at least one member, and no more than two members, appointed from each of the several congressional districts into which the state is divided."

Delegate Abraham moved the adoption of the amendment.

Delegate Perez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Fontenot	Morris
Abraham	Fowler	O'Neill
Asseff	Fulco	Riecke
Badeaux	Gauthier	Roemer
Bergeron	Grier	Schmitt
Brien	Jenkins	Stagg
Casey	Juneau	Stinson
Conroy	Kean	Sutherland
De Blieux	Kelly	Tobias
Dennery	Landry, A.	Willis
Derbes	Lanier	Zervigon
Drew		
Total—33.		

NAYS

Delegates—	Cannon	Dunlap
Aertker	Carmouche	Elkins
Alario	Champagne	Flory
Alexander	Chatelain	Giarrusso
Arnette	Conino	Graham
Bel	Corne	Hardee
Blair	Cowen	Hayes
Brown	D'Gerolamo	Haynes
Burns	Dennis	Hernandez
Burson		

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Jack	Miller	Smith
Jackson, A.	Munson	Soniat
Jackson, J.	Newton	Tate
Kilbourne	Perez	Thompson
Kilpatrick	Perkins	Toca
Lambert	Planchard	Toomy
Landrum	Pugh	Ullo
Landry, E. J.	Rachal	Velazquez
LeBleu	Reeves	Vesich
Leigh	Roy	Vick
Leithman	Sandoz	Wall
McDaniel	Segura	Warren
Martin	Shannon	Wattigny
Mauberret	Singletary	Winchester
Maybuce	Slay	Wisham
Total—72.		

NOT VOTING

Delegates—	Fayard	Ourso
Mr. Chairman	Ginn	Rayburn
Anzalone	Goldman	Stephenson
Avant	Gravel	Stovall
Bollinger	Guarisco	Tapper
Chehardy	Heine	Thistlethwaite
Comar	Lowe	Weiss
Deshotels	Mire	Womack
Duval	Nunez	
Edwards		
Total—26.		

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Juneau sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Juneau, Corne and J. Jackson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, at the end of line 21, after the word "College" add the following:
"and Board of Governors for State Colleges and Universities"

AMENDMENT No. 2—

On page 6, between lines 29 and 30, insert the following:
"(B) Boards of governors of state colleges and universities; creation and powers. There is created bodies corporate, known as the Board of Governors of Southern University and Agricultural and Mechanical College, the Board of Governors of Northeast Louisiana University, the Board of Governors of Grambling College, the Board of Governors of Louisiana Tech University, and the Board of Governors of the University of Southwestern Louisiana, which subject to the powers vested in the Board of Regents, shall supervise and manage their respective colleges and universities."

AMENDMENT No. 3—

On page 6, at the beginning of line 30, change the letter "(B)" to the letter "(C)"

AMENDMENT No. 4—

On page 6, line 30, after the words "of the" and before the word "shall" delete the word "board" and insert in lieu thereof the words "respective boards"

AMENDMENT No. 5—

On page 7, line 1, after the word "members" and before the word "shall" insert the words "of each board"

AMENDMENT No. 6—

On page 7, at the beginning of line 5, change the letter "(C)" to the letter "(D)"

POINT OF ORDER

Delegate Kean raised a point of order and asked a ruling from the Chair as to whether the amendment under consideration was germane to the subject matter contained in Section 9.

RULING OF THE CHAIR

The Chair ruled the amendment in order.

Delegate Juneau moved the adoption of the amendments.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Haynes	Schmitt
Alario	Jackson, A.	Soniat
Alexander	Jackson, J.	Sutherland
Anzalone	Juneau	Tapper
Arnette	Kilpatrick	Tobias
Badeaux	Landrum	Toomy
Bergeron	LeBleu	Ullo
Bollinger	Leithman	Velazquez
Chatelain	Maybuce	Vesich
Conroy	Miller	Wall
Corne	Perez	Warren
Dennerly	Rachal	Wattigny
Derbes	Reeves	Willis
Gauthier	Riecke	Wisham
Giarrusso	Ginn	Zervigon
Ginn	Roemer	
Grier		
Total—46.		

NAYS

Delegates—	Flory	Newton
Abraham	Fontenot	O'Neill
Aertker	Fulco	Perkins
Asseff	Graham	Planchard
Avant	Guarisco	Pugh
Blair	Hardee	Roy
Brien	Hayes	Sandoz
Brown	Heine	Segura
Burns	Hernandez	Shannon
Burson	Jack	Singletary
Carmouche	Jenkins	Slay
Casey	Kean	Smith
Champagne	Kilbourne	Stagg
Comar	Landry, A.	Stinson
Conino	Landry, E. J.	Stovall
Cowen	Lanier	Tate
D'Gerolamo	Leigh	Thompson
De Blieux	McDaniel	Toca
Dennis	Martin	Vick
Drew	Mauberret	Winchester
Dunlap	Morris	Womack
Elkins		
Fayard		
Total—64.		

NOT VOTING

Delegates—	Fowler	Munson
Mr. Chairman	Goldman	Nunez
Bel	Gravel	Ourso
Cannon	Kelly	Rayburn
Chehardy	Lambert	Stephenson
Deshotels	Lowe	Thistlethwaite
Duval	Mire	Weiss
Edwards		
Total—21.		

And the amendments were rejected.

Delegate Aertker moved to reconsider the vote by which the amendments were rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Zervigon sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegates Zervigon and Perkins to Committee Proposal No. 7 by Delegate Aertker, et al.

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Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 32, immediately after the words "terms of" and before the word "years" delete the word "six" and insert in lieu thereof the word "ten"

AMENDMENT No. 2—

On page 7, line 1, immediately after the word "law" and before the word "Two" change the period "." to a comma "," and add the following:
"provided that no member shall be eligible to succeed himself."

On request of Delegate Singletary a division of the question was ordered.

Delegate Zervigon moved the adoption of Amendment No. 2.

Delegate Thompson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Abraham	Fayard	Miller
Alario	Fontenot	O'Neill
Alexander	Fulco	Perez
Anzalone	Gauthier	Perkins
Arnette	Giarrusso	Roemer
Badeaux	Ginn	Schmitt
Bel	Grier	Segura
Bergeron	Hardee	Shannon
Bollinger	Heine	Singletary
Brien	Hernandez	Soniat
Casey	Jack	Stinson
Chatelain	Jackson, J.	Thompson
Comar	Jenkins	Tobias
Conino	Juneau	Ullo
Corne	Kilbourne	Velazquez
Dennery	Landrum	Vesich
Dennis	Landry, A.	Warren
Derbes	Lanier	Wattigny
Drew	LeBleu	Willis
Dunlap	Leithman	Zervigon
Duval	Mauberet	

Total—62.

NAYS

Delegates—

Aertker	Jackson, A.	Roy
Asseff	Kean	Sandoz
Avant	Kelly	Slay
Blair	Kilpatrick	Smith
Brown	Landry, E. J.	Stagg
Burson	Leigh	Sutherland
Carmouche	McDaniel	Tapper
Champagne	Martin	Tate
Conroy	Maybuce	Toca
D'Gerolamo	Morris	Toomy
De Blieux	Newton	Vick
Elkins	Planchard	Wall
Flory	Pugh	Winchester
Graham	Rachal	Wisham
Guarisco	Reeves	Womack
Hayes	Riecke	

Total—47.

NOT VOTING

Delegates—

Mr. Chairman	Goldman	Nunez
Burns	Gravel	Ourso
Cannon	Haynes	Rayburn
Chehardy	Lambert	Stephenson
Cowen	Low	Stovall
Deshotels	Mire	Thistlethwaite
Edwards	Munson	Weiss
Fowler		

Total—22.

And the amendment was adopted.

Delegate Zervigon moved to reconsider the vote by which the amendment was adopted, and on her own motion, the motion to reconsider was laid on the table.

Delegate Zervigon moved the adoption of Amendment No. 1.

Delegate Thompson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Anzalone	Guarisco	Perez
Arnette	Hardee	Perkins
Asseff	Heine	Riecke
Burson	Hernandez	Segura
Casey	Jack	Shannon
Comar	Jenkins	Stagg
Conroy	Kean	Stinson
De Blieux	Kilbourne	Tapper
Derbes	LeBleu	Tate
Drew	Leigh	Velazquez
Fulco	Mauberet	Wattigny
Giarrusso	Morris	Winchester
Graham	Newton	Womack
Grier	O'Neill	Zervigon

Total—42.

NAYS

Delegates—

Abraham	Fayard	Rachal
Alario	Flory	Reeves
Alexander	Fontenot	Roemer
Avant	Gauthier	Roy
Badeaux	Ginn	Sandoz
Bel	Hayes	Singletary
Bergeron	Jackson, A.	Slay
Blair	Jackson, J.	Smith
Bollinger	Juneau	Soniat
Brien	Kelly	Sutherland
Brown	Kilpatrick	Thompson
Carmouche	Landrum	Tobias
Champagne	Landry, A.	Toca
Chatelain	Landry, E. J.	Toomy
Conino	Lanier	Ullo
Corne	Leithman	Vesich
D'Gerolamo	McDaniel	Vick
Dennery	Martin	Wall
Dennis	Maybuce	Warren
Dunlap	Miller	Willis
Duval	Planchard	Wisham
Elkins	Pugh	

Total—65.

NOT VOTING

Delegates—

Mr. Chairman	Fowler	Nunez
Aertker	Goldman	Ourso
Burns	Gravel	Rayburn
Cannon	Haynes	Schmitt
Chehardy	Lambert	Stephenson
Cowen	Low	Stovall
Deshotels	Mire	Thistlethwaite
Edwards	Munson	Weiss

Total—24.

And the amendment was rejected.

Delegate Cowen moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate J. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate J. Jackson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 20 through 32, both inclusive, in

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their entirety and on page 7, delete lines 1 through 4, both inclusive, in their entirety and delete Convention floor amendment No. 2 proposed by Delegate Zervigon et al and adopted by the Convention on November 14, 1973, and insert in lieu thereof the following:

"Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College; Board of Supervisors of Southern University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created bodies corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College and the Southern University Agricultural and Mechanical College system.

(B) Membership; terms. The members of each board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Each board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large."

Delegate J. Jackson moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Giarrusso	Reeves
Alexander	Ginn	Riecke
Anzalone	Grier	Roemer
Avant	Hayes	Schmitt
Badeaux	Jackson, A.	Shannon
Bel	Jackson, J.	Soniat
Bergeron	Jenkins	Stinson
Bollinger	Juneau	Stovall
Brien	Kelly	Tapper
Casey	Kilbourne	Tobias
Chatelain	Kilpatrick	Toca
Comar	Landrum	Toomy
Conroy	Lanier	Velazquez
Corne	LeBleu	Vesich
De Blieux	Leithman	Vick
Dennery	Maybuce	Wall
Derbes	Miller	Warren
Duval	Newton	Willis
Flory	O'Neill	Wisham
Fulco	Pugh	Zervigon
Gauthier	Rachal	
Total—62.		

NAYS

Delegates—		
Abraham	Fowler	Planchard
Aertker	Guarisco	Roy
Arnette	Hardee	Sandoz
Asseff	Heine	Segura
Blair	Hernandez	Singletary
Burson	Jack	Slay
Carmouche	Kean	Smith
Champagne	Landry, A.	Stagg
Conino	Landry, E. J.	Sutherland
Cowen	Leigh	Tate
D'Gerolamo	McDaniel	Thompson
Dennis	Martin	Ullo
Drew	Mauberret	Wattigny
Dunlap	Perez	Winchester
Elkins	Perkins	Womack
Fayard		
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Goldman	Munson
Brown	Graham	Nunez
Burns	Gravel	Ourso
Cannon	Haynes	Rayburn
Chehardy	Lambert	Stephenson
Deshotels	Lowe	Thistlethwaite
Edwards	Mire	Weiss
Fontenot	Morris	
Total—23.		

And the amendment was adopted.

Delegate J. Jackson moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Delegate Perkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Perkins and Zervigon to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, in Convention Floor Amendment No. 1 proposed by Delegate J. Jackson and adopted by the Convention on November 14, 1973, at the end of line 23 added thereby after the word and punctuation "large," insert the following:

"There shall be at least one member representing each of the several campuses within the system who has attended the university at the campus represented for at least one year."

Delegate Perkins moved the adoption of the amendment.

Delegate Smith objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Riecke
Alexander	Hardee	Roemer
Anzalone	Hernandez	Schmitt
Asseff	Jack	Shannon
Bel	Jackson, A.	Soniat
Bergeron	Jackson, J.	Stovall
Casey	Juneau	Sutherland
Chatelain	Kelly	Thompson
Comar	Kilbourne	Tobias
Conino	Kilpatrick	Toca
Conroy	Lambert	Toomy
Corne	Landrum	Ullo
D'Gerolamo	LeBleu	Velazquez
Dennery	Leithman	Vesich
Dunlap	Mauberret	Vick
Fayard	Miller	Wall
Fowler	Perez	Warren
Fulco	Perkins	Willis
Gauthier	Pugh	Zervigon
Giarrusso	Reeves	
Total—59.		

NAYS

Delegates—		
Abraham	Dennis	Landry, E. J.
Aertker	Derbes	Lanier
Arnette	Drew	Leigh
Avant	Duval	McDaniel
Badeaux	Elkins	Martin
Blair	Flory	Maybuce
Bollinger	Fontenot	Morris
Brien	Grier	Newton
Burson	Guarisco	O'Neill
Carmouche	Hayes	Planchard
Champagne	Jenkins	Rachal
Cowen	Kean	Roy
De Blieux	Landry, A.	Sandoz

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Segura
Singletary
Slay
Smith

Total—50.

Stagg
Stinson
Tapper
Tate

Wattigny
Winchester
Wisham

NOT VOTING

Delegates—
Mr. Chairman
Brown
Burns
Cannon
Chehardy
Deshotels
Edwards
Goldman
Total—22.

Graham
Gravel
Haynes
Heine
Lowe
Mire
Munson

Nunez
Ourso
Rayburn
Stephenson
Thistlethwaite
Weiss
Womack

And the amendment was adopted.

Delegate Perkins moved to reconsider the vote by which the amendment was adopted, and to lay the motion to reconsider on the table.

Delegate Stagg objected to tabling the motion to reconsider.

By a vote of 44 yeas and 58 nays the Convention refused to table the motion to consider.

Delegate Perkins insisted upon her motion to reconsider the vote by which the amendment was adopted.

Delegate Stagg.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Mr. Chairman
Abraham
Aertker
Arnette
Avant
Badeaux
Blair
Bollinger
Brien
Burson
Carmouche
Champagne
Conino
Cowen
D'Gerolamo
De Blieux
Dennis
Drew
Duval
Elkins
Flory
Fontenot
Fowler
Total—67.

Fulco
Grier
Guarisco
Hardee
Hayes
Hernandez
Jack
Jackson, A.
Jenkins
Kean
Kilbourne
Lambert
Landry, A.
Landry, E. J.
Lanier
Leigh
McDaniel
Martin
Mauberret
Maybuce
Morris
Newton
O'Neill

Planchard
Pugh
Rachal
Riecke
Roy
Sandoz
Segura
Shannon
Singletary
Slay
Smith
Stagg
Stinson
Tapper
Tate
Thompson
Toca
Vesich
Vick
Winchester
Wisham

NAYS

Delegates—
Alario
Alexander
Anzalone
Asseff
Bel
Bergeron
Casey
Chatelain
Comar
Conroy
Corne
Dennery
Derbes
Total—39.

Dunlap
Fayard
Gauthier
Giarrusso
Ginn
Juneau
Kelly
LeBleu
Leithman
Miller
Perez
Perkins
Reeves

Roemer
Soniart
Stovall
Sutherland
Tobias
Toomy
Ullo
Velazquez
Wall
Warren
Wattigny
Willis
Zervigon

NOT VOTING

Delegates—
Brown

Burns

Cannon

Chehardy
Deshotels
Edwards
Goldman
Graham
Gravel
Haynes
Heine

Total—25.

Jackson, J.
Kilpatrick
Landrum
Lowe
Mire
Munson
Nunez
Ourso

Rayburn
Schmitt
Stephenson
Thistlethwaite
Weiss
Womack

And the vote by which the amendment was adopted, was reconsidered.

Motion

Delegate Perez moved that the Convention do now take up other orders of business.

Delegate Roy objected.

By a vote of 50 yeas and 53 nays the Convention refused to take up other orders of business at this time.

FLOOR AMENDMENT

Amendment proposed by Delegates Perkins and Zervigon to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, in Convention Floor Amendment No. 1 proposed by Delegate J. Jackson and adopted by the Convention on November 14, 1973, at the end of line 23 added thereby after the word and punctuation "large." insert the following:

"There shall be at least one member representing each of the several campuses within the system who has attended the university at the campus represented for at least one year."

Delegate Perkins moved the adoption of the amendment.

Delegate Stagg objected.

By a vote of 44 yeas and 58 nays the amendment was rejected.

Motion

On motion of Delegate Anzalone, the Convention altered the Order of Business to take up other Orders of Business at this time.

COMMITTEE NOTICE

Judge Tate, chairman of the Committee on Style and Drafting, sent up the following notice:

The Committee on Style and Drafting will meet on Wednesday, November 28; Thursday, November 29; Friday, November 30 at 1:00 o'clock P.M. Wednesday in the Treaty Room and each day thereafter at a time established before adjournment and will consider the following agenda:

AGENDA

All proposals pending consideration of Style and Drafting in order of adoption by the Convention.

Respectfully submitted,

ALBERT TATE, JR.,

Chairman of the Committee on Style and Drafting

The above notice was read in open session and publicly posted as provided by the Rules of Procedure of the Convention.

Leaves of Absence

Delegate Rayburn—1 day.

Delegate Chehardy—1/2 day.

Adjournment

Delegate Abraham moved that the Convention do now adjourn until Thursday, November 15, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Thursday, November 15, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

OFFICIAL JOURNAL OF THE CONSTITUTIONAL CONVENTION OF 1973

OF THE STATE OF LOUISIANA

EIGHTY-SIXTH DAY'S PROCEEDINGS

of the Constitutional Convention of 1973
held in accordance with Act 2 of the 1972
Regular Session of the Legislature

Thursday, November 15, 1973, Baton Rouge, La.

The Convention was called to order at 9:00 o'clock a.m., by
Hon. E. L. Henry, Chairman of the Convention.

ROLL CALL

The roll being called, the following delegates answered to
their names:

PRESENT

Delegates—	Gauthier	Perez
Mr. Chairman	Giarrusso	Perkins
Abraham	Ginn	Planchard
Aertker	Graham	Pugh
Alario	Gravel	Rachal
Alexander	Grier	Rayburn
Arnette	Guarisco	Reeves
Asseff	Hardee	Riecke
Avant	Hayes	Roemer
Badeaux	Haynes	Roy
Bel	Heine	Sandoz
Bergeron	Hernandez	Schmitt
Blair	Jack	Segura
Bollinger	Jackson, A.	Shannon
Brien	Jackson, J.	Singletary
Brown	Jenkins	Slay
Burns	Juneau	Smith
Burson	Kean	Soniat
Cannon	Kelly	Stagg
Carmouche	Kilbourne	Stephenson
Casey	Kilpatrick	Stinson
Champagne	Lambert	Stovall
Chatelain	Landrum	Sutherland
Comar	Landry, A.	Tapper
Conino	Landry, E. J.	Tate
Conroy	Lanier	Thompson
Corne	LeBleu	Tobias
Cowen	Leigh	Toca
D'Gerolamo	Leithman	Toomy
De Blieux	Lowe	Ullo
Dennery	McDaniel	Velazquez
Dennis	Martin	Vesich
Derbes	Maubertret	Vick
Drew	Maybuce	Wall
Dunlap	Miller	Warren
Duval	Mire	Wattigny
Edwards	Morris	Weiss
Elkins	Munson	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fowler	Ourso	Zervigon
Fulco		

Total—126.

ABSENT

Delegates—		
Anzalone	Deshotels	Thistlethwaite
Chehardy	Goldman	
Total—5.		

The Chairman announced that there were 126 members
present and a quorum.

Prayer

Prayer was offered by Delegate Abraham.

Pledge of Allegiance

Delegate Conino led the Convention in reciting the Pledge
of Allegiance to the Flag of the United States of America.

Reading of the Journal

On motion of Delegate Roy, the reading of the Journal
was dispensed with.

On motion of Delegate Roemer, the Journal of yesterday
was adopted.

Morning Hour

Reports of Committees

The following reports of committees were received and
read:

Delegate Dennis, chairman, on behalf of the Committee
on the Judiciary, submitted the following report:

State of Louisiana
Constitutional Convention
of 1973

November 15, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Constitutional Con-
vention:

I am directed by your Committee on the Judiciary to
submit the following report:

DELEGATE PROPOSAL No. 32—

By Delegate Drew:

A PROPOSAL

To provide with respect to the court of appeal circuits and
districts.

Reported without action.

DELEGATE PROPOSAL No. 43—

Introduced by Delegates J. Jackson, A. Jackson, Warren,
Ray, Gravel, Stovall, Pugh, and Gauthier:

A PROPOSAL

Providing for juvenile courts having exclusive original
jurisdiction with the exception for offenses of murder,
aggravated kidnapping, armed robbery, or aggravated
rape.

Reported without action.

Motion

Delegate Chatelain moved that the Convention adopt a
work schedule of Thursday, November 15, 1973 through
Wednesday, November 21, 1973 with the exception of the
morning of Sunday, November 18, 1973.

As a substitute Delegate Cowen moved that the Conven-
tion adopt a work schedule of Thursday, November 15, 1973
through Wednesday, November 21, 1973 with the exception
of Sunday, November 18, 1973.

The vote recurred on the substitute motion.

By a vote of 31 yeas and 54 nays the Convention re-
fused to adopt a work schedule of Thursday, November 15,
1973 through Wednesday, November 21, 1973, with the ex-
ception of Sunday, November 18, 1973.

Delegate Chatelain insisted upon his original motion.

Delegate Cowen objected.

By a vote of 68 yeas and 18 nays the Convention adopted
a work schedule of Thursday 15, 1973, through Wednesday,
November 21, 1973, with the exception of the morning of
Sunday, November 18, 1973.

Unfinished Business

The following unfinished business in which the Conven-
tion was engaged at the time of its adjournment on yes-
terday was taken up and acted on:

Proposals Delegate and Committee

The following entitled Delegate and Committee Proposals were taken up on their third reading and final passage:

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation: Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Read.

The Chairman announced that the Convention had under consideration Committee Proposal No. 7, Section 9 when it adjourned on Wednesday, November 14, 1973, which was taken up and acted upon as follows:

Delegate Miller sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Miller and Gauthier to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 8 and 9, add the following Paragraph:

"(D) Merger and consolidation; establishment of university system. The legislature, by two-thirds vote of the elected members of each house thereof, may provide for the merger or consolidation of the Board of Regents, the Board of Trustees for State Colleges and Universities and the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College into a single board and may vest in said board the coordination, government, supervision, control and budgetary responsibility for all publicly supported university systems, universities and colleges and such other powers, duties, responsibilities and functions with respect to education above the secondary level as it shall determine. In such case the legislature shall establish a university system for the state composed of all publicly supported university systems and all publicly supported universities and colleges now or hereafter created, and may vest in a single board herein authorized all responsibility for the government, control, and budgetary management of the university system."

Delegate Miller moved the adoption of the amendment.

Delegate Aertker objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—
Alario Alexander Arnette

Asseff	Derbes	O'Neill
Badeaux	Drew	Roemer
Bergeron	Gauthier	Soniat
Bollinger	Giarrusso	Tobias
Casey	Guarisco	Toomy
Chatelain	Kelly	Wall
Conroy	Leithman	Warren
Corne	Miller	Willis
Dennis	Nunez	Zervigon

Total—30.

NAYS

Delegates—		
Abraham	Grier	Rachal
Aertker	Hayes	Rayburn
Avant	Haynes	Riecke
Bel	Hernandez	Roy
Blair	Jack	Sandoz
Brien	Jackson, A.	Schmitt
Burns	Jenkins	Shannon
Burson	Kean	Singetary
Cannon	Kilbourne	Slay
Carmouche	Kilpatrick	Smith
Champagne	Lambert	Stagg
Comar	Landry, A.	Stinson
Conino	Landry, E. J.	Sutherland
Cowen	Lanier	Tapper
D'Gerolamo	Leigh	Tate
De Bieux	Lowe	Thompson
Dennerly	McDaniel	Toca
Dunlap	Martin	Ullo
Duval	Maubertret	Velazquez
Elkins	Maybuce	Vesich
Flory	Morris	Vick
Fontenot	Munson	Wattigny
Fowler	Newton	Weiss
Fulco	Planchard	Winchester
Graham	Pugh	Wisham
Gravel		

Total—76.

NOT VOTING

Delegates —		
Mr. Chairman	Hardee	Perez
Anzalone	Heine	Perkins
Brown	Jackson, J.	Reeves
Chehardy	Juneau	Segura
Deshotels	Landrum	Stephenson
Edwards	LeBleu	Stovall
Fayard	Mire	Thistlethwaite
Ginn	Ourso	Womack
Goldman		

Total—25.

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Bergeron sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Bergeron to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, in Floor Amendment No. 1 proposed by Delegate Jackson and adopted by the Convention on November 15, 1973, at the end of the last line of said floor amendment, change the period "." after the words "at large" to a comma "," and add the following:

"of which there shall be at least one member representing each of the several undergraduate compuses having a student enrollment of at least four thousand, who has attended the university at the undergraduate compus represented for at least one year."

Motion

Delegate Fontenot moved the previous question on the amendment.

Delegate Tobias objected.

By a vote of 23 yeas and 71 nays the Convention refused to move the previous question at this time.

Delegate Bergeron moved the adoption of the amendment.

Delegate Fontenot objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Dennis	Roemer
Alexander	Derbes	Schmitt
Arnette	Drew	Soniat
Asseff	Gauthier	Sutherland
Bel	Giarrusso	Tapper
Bergeron	Ginn	Tobias
Casey	Jackson, A.	Toca
Chatelain	Juneau	Toomy
Comar	Kelly	Ullo
Conino	LeBleu	Vesich
Conroy	Leithman	Vick
Corne	Miller	Wall
D'Gerolamo	Nunez	Willis
Dennery	Riecke	Zervigon
Total—42.		

NAYS

Delegates—		
Aertker	Grier	Newton
Avant	Guarisco	O'Neill
Badeaux	Hayes	Planchard
Blair	Haynes	Pugh
Bollinger	Hernandez	Rachal
Brien	Jack	Roy
Burns	Jenkins	Sandoz
Burson	Kean	Shannon
Cannon	Kilbourne	Singletary
Carmouche	Lambert	Slay
Champagne	Landry, A.	Smith
Cowen	Landry, E. J.	Stagg
De Blieux	Lanier	Stinson
Dunlap	Leigh	Tate
Duval	Lowe	Thompson
Elkins	McDaniel	Velazquez
Flory	Martin	Warren
Fontenot	Mauberret	Wattigny
Fowler	Maybuce	Weiss
Fulco	Morris	Winchester
Graham	Munson	Wisham
Gravel		
Total—64.		

NOT VOTING

Delegates—		
Mr. Chairman	Hardee	Perkins
Abraham	Heine	Rayburn
Anzalone	Jackson, J.	Reeves
Brown	Kilpatrick	Segura
Chehardy	Landrum	Stephenson
Deshotels	Mire	Stovall
Edwards	Ourso	Thistlethwaite
Fayard	Perez	Womack
Goldman		
Total—25.		

And the amendment was rejected.

Delegate Fontenot moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Alexander sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Alexander and Toca to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 20, in Floor Amendment No. 1 proposed by Delegate J. Jackson, and adopted by the Convention on November 14, 1973, delete line 21 in its entirety and insert in lieu thereof the following:

"shall be composed of two members, one of whom shall be a professional educator, from each of the congressional"

Delegate Alexander moved the adoption of the amendment.

Delegate Pugh objected.

By a vote of 27 yeas and 74 nays the amendment was rejected.

Delegate Pugh moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 8 and 9, add the following paragraph:

"(D) Merger and Consolidation. The legislature, by a two-thirds vote of the elected members of each house thereof, may provide for the merger or consolidation or restructure of any of the boards created in this article into a single board or a lesser number of boards and may vest in said board or boards the coordination, government, supervision, control and budgetary responsibility for all publicly supported university systems, universities and colleges and such other powers, duties, responsibilities and functions with respect to education above the secondary level as the board or boards shall determine."

On motion of Delegate Duval the amendment was withdrawn.

Delegate Duval sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Duval to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 8 and 9, add the following paragraph:

"(D) Merger and Consolidation. The legislature, by a two-thirds vote of the elected members of each house thereof, may provide for the merger or consolidation or restructure of any of the boards created in this article into a single board or a lesser number of boards and may vest in said board or boards the coordination, government, supervision, control and budgetary responsibility for all publicly supported university systems, universities and colleges and such other powers, duties, responsibilities and functions with respect to education above the secondary level as the legislature shall determine."

Delegate Duval moved the adoption of the amendment.

Delegate Hernandez objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Bergeron	Conroy
Alexander	Bollinger	Corne
Arnette	Casey	De Blieux
Badeaux	Chatelain	Dennis
Bel	Conino	Derbes

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Drew	LeBleu	Tapper
Duval	Leithman	Tobias
Fowler	Miller	Toca
Gauthier	Nunez	Toomy
Giarrusso	Reeves	Uilo
Guarisco	Roemer	Willis
Juneau	Schmitt	Zervigon
Kelly	Soniat	
Lanier	Stovall	
Total—40.		

NAYS

Delegates—	Haynes	Riecke
Aertker	Hernandez	Roy
Asseff	Jack	Sandoz
Avant	Jackson, A.	Segura
Blair	Jenkins	Shannon
Brien	Kean	Singletary
Burns	Kilbourne	Slay
Burson	Lambert	Smith
Carmouche	Landry, A.	Stagg
Champagne	Landry, E. J.	Stinson
Comar	Leigh	Sutherland
Cowen	Lowe	Tate
D'Gerolamo	McDaniel	Thompson
Dennery	Martin	Velazquez
Dunlap	Mauberret	Vesich
Elkins	Maybuce	Vick
Flory	Morris	Wall
Fontenot	Munson	Warren
Fulco	Newton	Wattigny
Graham	O'Neill	Weiss
Gravel	Planchard	Winchester
Grier	Rachal	Wisham
Hayes		
Total—66.		

NOT VOTING

Delegates—	Ginn	Perez
Mr. Chairman	Goldman	Perkins
Abraham	Hardee	Pugh
Anzalone	Heine	Rayburn
Brown	Jackson, J.	Stephenson
Cannon	Kilpatrick	Thistlethwaite
Chehardy	Landrum	Womack
Deshotels	Mire	
Edwards	Ourso	
Fayard		
Total—25.		

And the amendment was rejected.

Delegate Hernandez moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 20, delete Floor Amendment No. 1, proposed by Delegate J. Jackson, and adopted by the Convention on November 14, 1973

AMENDMENT No. 2—

On page 6, delete lines 20 through 32, both inclusive, in their entirety, and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide

agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. The board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large."

POINT OF ORDER

Delegate Zervigon raised a point of order suggesting that the amendments were out of order at this time for the reason that the amendments were identical to amendments previously considered under this Section.

Ruling of the Chair

The chair ruled that the amendments were in order.

Appeal from the Ruling of the Chair

Delegate Zervigon appealed the ruling of the chair.

The vote recurred on sustaining the chair under the rules.

By a vote of 84 yeas and 16 nays the chair was sustained.

Motion

Delegate Tobias moved to table the amendment.

Delegate Roy objected.

By a vote of 41 yeas and 59 nays the Convention refused to table the amendment.

Motion

On motion of Delegate Roy the amendments were withdrawn.

Motion

Delegate Aertker moved that the Convention take up Committee Proposal No. 7, Section 8, out of its regular order, at this time.

Delegate Tobias objected.

By a vote of 91 yeas and 3 nays the Convention took up Committee Proposal No. 7, Section 8, out of its regular order, at this time.

Section 8. Board of Trustees for State Colleges and Universities

Section 8. (A) Creation; Powers. There is created a body corporate known as the Board of Trustees for State Colleges and Universities which, subject to the powers vested in the Board of Regents by this Article, shall have:

(1) Supervision and management of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and any other board hereafter created pursuant to this Article.

(2) Unless and until the legislature shall provide otherwise, supervision and management of all public institutions of vocational-technical training and career education at post-secondary levels.

(B) Board Membership, Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Read.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 3, after the word and punctuation "College," add the following:

"Board of Governors of Southern University and Agricultural and Mechanical College."

On motion of Delegate A. Jackson the amendment was withdrawn.

Delegate Drew sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Drew to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, delete lines 5 through 8, both inclusive, in their entirety

Delegate Drew moved the adoption of the amendment.

Delegate Aertker objected.

By a vote of 41 yeas and 57 nays the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Segura sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Segura and Pugh to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 26 through 32, both inclusive, in their entirety and on page 6, delete lines 1 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Boards of Trustees for State Colleges and Universities

Section 8. (A) Creation; powers. There is created a Board of Trustees to supervise, manage, and govern all public institutions of vocational-technical training and career education together with all colleges and universities, not otherwise provided for in this constitution. As each such institution reaches an initial student enrollment of twelve thousand it shall have a separate Board of Trustees.

(B) Board membership; terms. The members of each board of trustees created pursuant to this section shall be appointed by the governor with the consent of the Senate for overlapping terms of six years, following initial terms which shall be fixed by law. The board shall be composed of seventeen members, two from each of the congressional districts into which the state is divided, and one member shall be from the state at large.

On motion of Delegate Pugh the amendment was withdrawn.

Delegate Pugh sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Segura and Pugh to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 26 through 32, both inclusive, in

their entirety and on page 6, delete lines 1 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 8. Boards of Trustees for State Colleges and Universities

Section 8. (A) Creation; powers. There is created a Board of Trustees to supervise, manage, and govern all public institutions of vocational-technical training and career education at post-secondary levels together with all colleges and universities, not otherwise provided for in this constitution. As each such institution reaches an initial student enrollment of twelve thousand it may have a separate Board of Trustees.

(B) Board membership; terms. The members of each board of trustees created pursuant to this section shall be appointed by the governor with the consent of the Senate for overlapping terms of six years, following initial terms which shall be fixed by law. The board shall be composed of seventeen members, two from each of the congressional districts into which the state is divided, and one member shall be from the state at large.

Delegate Segura moved the adoption of the amendment.

Delegate Kelly objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Juneau	Rayburn
Brien	Kean	Roy
Carmouche	Landry, A.	Segura
Chatelain	Leithman	Stovall
Corne	Martin	Toca
D'Gerolamo	Maubertret	Wattigny
Fulco	Miller	Weiss
Gauthier	Nunez	Willis
Guarisco	Perez	Winchester
Heine	Pugh	Zervigon
Jack	Rachal	
Total—32.		

NAYS

Delegates—		
Aertker	Elkins	O'Neill
Alexander	Fayard	Planchard
Arnette	Flory	Reeves
Asseff	Fontenot	Riecke
Avant	Fowler	Roemer
Badeaux	Giarrusso	Sandoz
Bel	Ginn	Schmitt
Bergeron	Graham	Shannon
Blair	Grier	Singletary
Bollinger	Hardee	Slay
Brown	Hayes	Smith
Burns	Hernandez	Soniati
Cannon	Jenkins	Stagg
Casey	Kelly	Stinson
Champagne	Kilbourne	Sutherland
Comar	Kilpatrick	Tapper
Conino	Lambert	Thompson
Conroy	Landrum	Tobias
Cowen	Landry, E. J.	Toomy
De Blieux	Lanier	Ullo
Dennery	LeBleu	Velazquez
Dennis	Leigh	Vesich
Derbes	Lowe	Vick
Drew	Maybuce	Wall
Dunlap	Morris	Warren
Duval	Newton	
Total—77.		

NOT VOTING

Delegates—		
Mr. Chairman	Gravel	Perkins
Abraham	Haynes	Stephenson
Anzalone	Jackson, A.	Tate
Burson	Jackson, J.	Thistlethwaite
Chehardy	McDaniel	Wisham
Deshotels	Mire	Womack
Edwards	Munson	
Goldman	Ourso	
Total—22.		

And the amendment was rejected.

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Delegate Kelly moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Toca sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Toca to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 5, delete lines 27 through 32, both inclusive, in their entirety and on page 6, delete lines 1 through 15, both inclusive, in their entirety and insert in lieu thereof the following:

"versities; Board of Trustees for Public Institutions of Vocational-Technical Training and Career Education

Section 8. (A) Creation; Powers. There is created bodies corporate, known as the Board of Trustees for State Colleges and Universities, and the Board of Trustees for Public Institutions of Vocational-technical Training and Career Education which, subject to the powers vested in the Board of Regents by this Article, shall have the following specific powers:

(1) The Board of Trustees for State Colleges and Universities shall have supervision and management of all state colleges and universities except those included under the management of the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, and any other board hereafter created pursuant of this Article.

(2) The Board of Trustees for Public Institutions of Vocational-technical Training and Career Education shall have supervision and management of all public institutions of vocational-technical training and career education at post-secondary levels.

(B) Board Membership; Terms. The members of each board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Each board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large."

Delegate Toca moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fulco	Rachal
Alexander	Gauthier	Rayburn
Bergeron	Giarrusso	Segura
Chatelain	Ginn	Sutherland
Conino	Kelly	Tobias
Conroy	Lambert	Toca
D'Gerolamo	Landrum	Toomy
Drew	Miller	Ullo
Dunlap	Perez	Velazquez
Duval	Perkins	Weiss
Total—30.		

NAYS

Delegates—

Mr. Chairman	Bollinger	Cowen
Aertker	Brien	De Blieux
Arnette	Burns	Dennery
Asseff	Carmouche	Dennis
Badeaux	Casey	Derbes
Bel	Champagne	Edwards
Blair	Corne	Elkins

Fayard	Lanier
Flory	Leigh
Fontenot	Lowe
Graham	Martin
Gravel	Mauberret
Grier	Mire
Hardee	Morris
Hayes	Munson
Heine	Newton
Hernandez	O'Neill
Jack	Ourso
Jenkins	Planchard
Kilbourne	Reeves
Landry, A.	Riecke
Landry, E. J.	Roemer
Total—64.	

NOT VOTING

Delegates—

Abraham	Jackson, A.	Stephenson
Anzalone	Jackson, J.	Stovall
Avant	Juneau	Tate
Brown	Kean	Thistlethwaite
Burson	Kilpatrick	Vesich
Cannon	LeBleu	Vick
Chehardy	Leithman	Wall
Comar	McDaniel	Warren
Deshotels	Maybuce	Willis
Fowler	Nunez	Winchester
Goldman	Pugh	Wisham
Guarisco	Schmitt	
Haynes	Soniat	
Total—37.		

And the amendment was rejected.

Delegate Aertker moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate A. Jackson sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate A. Jackson to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 3, after the word and punctuation "College," insert the following:

"Board of Supervisors of Southern University and Agricultural and Mechanical College,"

Delegate Velazquez moved the adoption of the amendment.

Delegate Roy objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Gauthier	Riecke
Alexander	Giarrusso	Roemer
Badeaux	Ginn	Schmitt
Bel	Hayes	Shannon
Bergeron	Jack	Soniat
Blair	Jenkins	Stinson
Bollinger	Juneau	Stovall
Brien	Kelly	Sutherland
Brown	Kilbourne	Tapper
Comar	Landrum	Tobias
Conino	Landry, A.	Toca
Conroy	Landry, E. J.	Toomy
Corne	Lanier	Ullo
D'Gerolamo	LeBleu	Velazquez
De Blieux	Leigh	Vick
Dennery	Leithman	Warren
Derbes	Maybuce	Weiss
Drew	Miller	Willis
Duval	Nunez	Wisham
Edwards	O'Neill	Zervigon
Flory	Perkins	
Fulco	Rachal	
Total—64.		

NAYS

Delegates—		
Aertker	Grier	Planchard
Arnette	Hardee	Pugh
Asseff	Heine	Reeves
Avant	Hernandez	Roy
Cannon	Kean	Sandoz
Carmouche	Kilpatrick	Segura
Casey	Lowe	Singletary
Champagne	Martin	Slay
Chatelain	Mauberrret	Smith
Cowen	Mire	Stagg
Dennis	Morris	Tate
Dunlap	Munson	Thompson
Elkins	Newton	Wattigny
Fayard	Ourso	Winchester
Fontenot	Perez	Womack
Graham		
Total—46.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	Lambert
Abraham	Goldman	McDaniel
Anzalone	Gravel	Rayburn
Burns	Guarisco	Stephenson
Burson	Haynes	Thistlethwaite
Chehardy	Jackson, A.	Vesich
Deshotels	Jackson, J.	Wall
Total—21.		

And the amendment was adopted.

Delegate Velazquez moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 8 was read, as amended.

Delegate Segura moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Ginn	Perez
Alexander	Graham	Perkins
Avant	Grier	Planchard
Badeaux	Hardee	Pugh
Bel	Hayes	Rachal
Blair	Haynes	Reeves
Brien	Heine	Roemer
Brown	Hernandez	Roy
Burns	Jack	Sandoz
Cannon	Jenkins	Segura
Carmouche	Juneau	Shannon
Champagne	Kean	Singletary
Chatelain	Kelly	Slay
Comar	Kilbourne	Smith
Conino	Kilpatrick	Soniat
Corne	Landrum	Stagg
Cowen	Landry, A.	Stinson
D'Gerolamo	Landry, E. J.	Stovall
De Blieux	Lanier	Tapper
Dennery	LeBleu	Tate
Drew	Leigh	Toca
Dunlap	Lowe	Velazquez
Duval	Martin	Warren
Edwards	Mauberrret	Wattigny
Elkins	Maybuce	Willis
Fayard	Mire	Winchester
Flory	Munson	Wisham
Fulco	Nunez	Womack
Gauthier	O'Neill	Zervigon
Giarrusso	Ourso	
Total—89.		

NAYS

Delegates—		
Alario	Arnette	Asseff

Bergeron	Leithman	Sutherland
Bollinger	Miller	Tobias
Casey	Morris	Toomy
Conroy	Newton	Ullo
Derbes	Riecke	Vick
Fontenot	Schmitt	Weiss
Total—21.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	McDaniel
Abraham	Goldman	Rayburn
Anzalone	Gravel	Stephenson
Burson	Guarisco	Thistlethwaite
Chehardy	Jackson, A.	Thompson
Dennis	Jackson, J.	Vesich
Deshotels	Lambert	Wall
Total—22.		

And the Chair declared that the above Section was finally passed.

Delegate Segura moved to reconsider the vote by which the above Section was finally passed, and, to lay the motion to reconsider on the table.

Delegate Conroy objected to tabling the motion to reconsider the vote by which the amendment was adopted.

By a vote of 18 yeas and 87 nays and the Convention refused to table the motion to reconsider.

Vice Chairman Casey in the Chair

Delegate Stovall moved to defer action on Committee Proposal No. 7, Section 9, at this time.

Delegate Kean objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Ginn	Reeves
Alexander	Hayes	Schmitt
Bergeron	Haynes	Soniat
Casey	Jenkins	Stinson
Chatelain	Juneau	Stovall
Comar	Kelly	Tobias
Conroy	Kilpatrick	Toomy
Corne	Landry, E. J.	Velazquez
D'Gerolamo	Lanier	Warren
De Blieux	Leithman	Wattigny
Dennery	Maybuce	Willis
Derbes	Miller	Wisham
Gauthier	O'Neill	Zervigon
Giarrusso	Pugh	
Total—41.		

NAYS

Delegates—		
Aertker	Fulco	Perkins
Arnette	Graham	Planchard
Asseff	Grier	Rachal
Avant	Hardee	Riecke
Badeaux	Heine	Roemer
Bel	Hernandez	Roy
Blair	Jack	Sandoz
Bollinger	Jackson, A.	Segura
Brien	Kean	Shannon
Brown	Kilbourne	Singletary
Burns	Landry, A.	Slay
Cannon	LeBleu	Smith
Carmouche	Leigh	Stagg
Champagne	Lowe	Sutherland
Conino	Martin	Tapper
Cowen	Mauberrret	Tate
Dennis	Mire	Thompson
Drew	Morris	Toca
Dunlap	Munson	Ullo
Duval	Newton	Vick
Elkins	Nunez	Weiss
Fayard	Ourso	Winchester
Flory	Perez	Womack
Fontenot		
Total—70.		

NOT VOTING

Delegates—		
Mr. Chairman	Fowler	McDaniel
Abraham	Goldman	Rayburn
Anzalone	Gravel	Stephenson
Burson	Guarisco	Thistlethwaite
Chehardy	Jackson, J.	Vesich
Deshotels	Lambert	Wall
Edwards	Landrum	
Total—21.		

And the Convention refused to defer action on Committee Proposal No. 7, Section 9, at this time.

Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. Two of the members shall be residents of each of the congressional districts into which the state is divided, and one member shall be from the state at large.

(C) Vacancies. A vacancy occurring prior to the expiration of the term shall be filled for the remainder of the unexpired term by appointment by the governor, with the consent of the Senate.

Read.

Delegate Roy sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Roy to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 6, line 20, delete Floor Amendment No. 1, proposed by Delegate J. Jackson, and adopted by the Convention on November 14, 1973

AMENDMENT No. 2—

On page 6, delete lines 20 through 32, both inclusive, in their entirety, and on page 7, delete lines 1 through 4, both inclusive, in their entirety and insert in lieu thereof the following:

"Section 9. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College

Section 9. (A) Creation; Powers. There is created a body corporate, known as the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, which subject to the powers vested in the Board of Regents, shall supervise and manage the institutions and statewide agricultural and other programs administered through the Louisiana State University and Agricultural and Mechanical College system.

(B) Membership; Terms. The members of the board shall be appointed by the governor, with the consent of the Senate, for overlapping terms of six years following initial terms which shall be fixed by law. The board shall be composed of two members from each of the congressional districts into which the state is divided, and one member shall be from the state at large."

Delegate Bel moved the previous question on the amendment.

Delegate E. J. Landry objected.

By a vote of 19 yeas and 77 nays the Convention refused to order the previous question at this time.

Delegate Roy moved the adoption of the amendment.

Delegate J. Jackson objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Fontenot	Planchard
Arnette	Graham	Reeves
Asseff	Gravel	Roy
Avant	Hardee	Sandoz
Brien	Heine	Segura
Brown	Hernandez	Singletary
Carmouche	Lambert	Slay
Champagne	Landry, E. J.	Stagg
Chatelain	Lowe	Stephenson
Cowen	Martin	Tate
Dennis	Mire	Thompson
Drew	Morris	Watigny
Dunlap	Newton	Winchester
Edwards	Ourso	Womack
Fayard	Perez	
Total—44.		

NAYS

Delegates—		
Alario	Grier	Perkins
Alexander	Guarisco	Pugh
Badeaux	Hayes	Rachal
Bel	Haynes	Riecke
Bergeron	Jack	Roemer
Blair	Jackson, A.	Schmitt
Bollinger	Jackson, J.	Shannon
Burns	Jenkins	Smith
Casey	Juneau	Soniat
Comar	Kean	Stinson
Conino	Kelly	Stovall
Conroy	Kilbourne	Sutherland
Corne	Kilpatrick	Tapper
D'Gerolamo	Landrum	Tobias
De Blieux	Landry, A.	Toomy
Dennery	Lanier	Ullo
Derbes	LeBleu	Velazquez
Duval	Leigh	Vick
Elkins	Leithman	Warren
Flory	McDaniel	Weiss
Fulco	Maybuce	Willis
Gauthier	Miller	Wisham
Giarrusso	Nunez	Zervigon
Ginn	O'Neill	
Total—71.		

NOT VOTING

Delegates—		
Mr. Chairman	Deshotels	Rayburn
Abraham	Fowler	Thistlethwaite
Anzalone	Goldman	Toca
Burson	Mauberret	Vesich
Cannon	Munson	Wall
Chehardy		
Total—16.		

And the amendment was rejected.

Delegate J. Jackson moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7 Section 9 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Aertker	Arnette	Badeaux
Alexander	Avant	Bel

Blair	Hardee	O'Neill
Brien	Hayes	Ourso
Brown	Haynes	Perez
Burns	Heine	Perkins
Cannon	Hernandez	Planchard
Carmouche	Jack	Pugh
Champagne	Jackson, A.	Rachal
Comar	Jackson, J.	Reeves
Conino	Jenkins	Riecke
Cowen	Kean	Roy
D'Gerolamo	Kilbourne	Sandoz
De Blieux	Kilpatrick	Segura
Dennery	Lambert	Shannon
Dennis	Landrum	Slay
Drew	Landry, A.	Smith
Dunlap	Landry, E. J.	Stagg
Duval	Lanier	Stephenson
Edwards	LeBleu	Stinson
Elkins	Leigh	Tapper
Fayard	Lowe	Tate
Flory	McDaniel	Thompson
Fontenot	Martin	Velazquez
Fulco	Maubertret	Vesich
Giarrusso	Maybuce	Warren
Ginn	Miller	Wattigny
Graham	Mire	Willis
Gravel	Morris	Winchester
Grier	Munson	Wisham
Guarisco	Nunez	
Total—92.		

NAYS

Delegates—	Gauthier	Stovall
Alario	Juneau	Sutherland
Asseff	Kelly	Tobias
Bergeron	Leithman	Toomy
Bollinger	Newton	Ullo
Casey	Roemer	Vick
Chatelain	Schmitt	Weiss
Conroy	Singletary	Womack
Corne	Soniat	Zervigon
Derbes		
Total—27.		

NOT VOTING

Delegates—	Chehardy	Rayburn
Mr. Chairman	Abraham	Thistlethwaite
Abraham	Fowler	Toca
Anzalone	Goldman	Wall
Burson		
Total—12.		

And the Chair declared that the above Section was finally passed.

Delegate Kean moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Shannon moved to reconsider the vote by which Committee Proposal No. 7, Section 8 was passed, and on his own motion, the motion to reconsider was laid on the table.

Section 10. Minority Representation

Section 10. An appropriate number of citizens from the predominant minority race of the state shall be included on the State Board of Elementary and Secondary Education, the Board of Regents, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Trustees for State Colleges and Universities, and any other board created pursuant to this Article.

Read.

Delegate Juneau sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Juneau, Leithman, and Corne to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 9 through 16, both inclusive, in their entirety

On motion of Delegate Juneau the amendment was adopted.

Delegate Juneau moved to reconsider the vote by which the amendment was adopted, and on his own motion, the motion to reconsider was laid on the table.

Section 11. Boards; Dual Membership Prohibited

Section 11. No person shall be eligible to simultaneously serve on more than one board created by or pursuant to this Article.

Read.

Delegate Wall sent up floor amendments, which were read as follows:

FLOOR AMENDMENTS

Amendments proposed by Delegate Wall to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, line 17, after the word "Prohibited" insert a semicolon ";" and add the following:
"Student Membership Authorized"

AMENDMENT No. 2—

On page 7, line 18, after "Section 11." and before the word "No" insert the letter "(A)"

AMENDMENT No. 3—

On page 7, between lines 20 and 21, insert the following:
"(B) The legislature may provide for the membership of one student on the Board of Trustees for State Colleges and Universities, one student on the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and one student on the Board of Supervisors of Southern University and Agricultural and Mechanical College whose terms shall not exceed one year. No student member shall be eligible to succeed himself. A student member shall enjoy all of the privileges and rights of other board members except the right to vote."

Delegate Wall moved the adoption of the amendments.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—	Ginn	Reeves
Aertker	Graham	Roemer
Alario	Gravel	Roy
Alexander	Guarisco	Sandoz
Arnette	Hardee	Schmitt
Avant	Hayes	Segura
Bergeron	Haynes	Slay
Blair	Heine	Soniat
Brien	Jackson, A.	Stephenson
Brown	Jackson, J.	Stovall
Cannon	Jenkins	Sutherland
Champagne	Juneau	Tate
Chatelain	Kelly	Thompson
Comar	Kilbourne	Tobias
Conino	Kilpatrick	Toca
Corne	Lambert	Velazquez
D'Gerolamo	Landry, E. J.	Vesich
Dennis	Leithman	Vick
Derbes	Lowe	Wall
Drew	Maubertret	Warren
Dunlap	Maybuce	Wattigny
Fayard	Miller	Weiss
Flory	Newton	Willis
Fontenot	Nunez	Wisham
Fulco	O'Neill	Zervigon
Gauthier	Ourso	
Giarrusso		
Total—77.		

NAYS

Delegates—

Asseff	Elkins	Perkins
Badeaux	Grier	Planchar
Bel	Hernandez	Pugh
Bollinger	Jack	Rachal
Burns	Landry, A.	Riecke
Carmouche	Lanier	Shannon
Casey	LeBleu	Singletary
Conroy	Leigh	Smith
Cowen	McDaniel	Stagg
De Blieux	Martin	Toomy
Dennery	Mire	Ullo
Duval	Perez	

Total—35.

NOT VOTING

Delegates—

Mr. Chairman	Fowler	Rayburn
Abraham	Goldman	Stinson
Anzalone	Kean	Tapper
Burson	Landrum	Thistlethwaite
Chehardy	Morris	Winchester
Deshotels	Munson	Womack
Edwards		

Total—19.

And the amendments were adopted.

Delegate Wall moved to reconsider the vote by which the amendments were adopted, and on his own motion, the motion to reconsider was laid on the table.

Explanation of Vote

I voted against the foregoing amendment based upon my belief that the subject matter contained in the amendment is purely legislative in nature

Robert Pugh, Delegate

Explanation of Vote

I vote against the foregoing amendment based upon my belief that the subject matter contained in the amendment is purely legislative in nature

Clyde F. Bel, Sr., Delegate

Delegate Tobias sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegate Tobias to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21, in Floor Amendment No. 3 proposed by Delegate Wall and adopted by the Convention on November 15, 1973, on line 8, after the word and punctuation "himself," delete the remainder of the line and delete lines 10 and 11 in their entirety.

Delegate Tobias moved the adoption of the amendment.

Delegate Flory objected.

By a vote of 39 yeas and 72 nays the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Dennery sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Dennery and Casey to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, delete lines 17 through 20, both inclusive, in

their entirety and Convention Floor Amendments Nos. 1 through 3 proposed by Mr. Wall and adopted by the Convention on November 15, 1973.

Delegate Dennery moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Duval	Planchar
Badeaux	Gauthier	Pugh
Bel	Guarisco	Rachal
Bollinger	Landry, A.	Schmitt
Burns	Lanier	Stagg
Casey	LeBleu	Sutherland
Conino	Leigh	Toomy
Conroy	Leithman	Ullo
De Blieux	Martin	Willis
Dennery	Newton	Winchester
Drew	Nunez	

Total—32.

NAYS

Delegates—

Aertker	Gravel	Reeves
Alexander	Grier	Riecke
Arnette	Hardee	Roemer
Asseff	Hayes	Roy
Avant	Haynes	Sandoz
Bergeron	Hernandez	Segura
Blair	Jack	Shannon
Brien	Jackson, A.	Singletary
Brown	Jackson, J.	Slay
Carmouche	Jenkins	Smith
Champagne	Juneau	Soniat
Chatelain	Kelly	Stephenson
Comar	Kilbucne	Stinson
Corne	Kilpatrick	Stovall
Cowen	Landrum	Tate
D'Gerolamo	Landry, E. J.	Thompson
Dennis	Lowe	Tobias
Derbes	McDaniel	Toca
Dunlap	Mauberet	Velazquez
Elkins	Maybuce	Vesich
Fayard	Miller	Vick
Flory	Mire	Wall
Fontenot	Morris	Warren
Fulco	O'Neill	Wattigny
Giarrusso	Ourso	Weiss
Ginn	Perez	Wisham
Graham	Perkins	Zervigon

Total—81.

NOT VOTING

Delegates—

Mr. Chairman	Deshotels	Lambert
Abraham	Edwards	Munson
Anzalone	Fowler	Rayburn
Burson	Goldman	Tapper
Cannon	Heine	Thistlethwaite
Chehardy	Kean	Womack

Total—18.

And the amendment was rejected.

Delegate Dennery moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Delegate Derbes sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Derbes and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, between lines 20 and 21, delete Floor Amendment No. 3 proposed by Delegate Wall and adopted by the Convention on November 15, 1973, and insert in lieu thereof the following:

PAGE 11

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"(B) The Board of Trustees for State Colleges and Universities, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College and the Board of Supervisors of Southern University and Agricultural and Mechanical College shall each include one student elector of Louisiana from the institutions governed thereby, whose term shall not exceed one year. No student member shall be eligible to succeed himself."

Delegate Derbes moved the adoption of the amendment.

Delegate Flory objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Alario	Fulco	Rachal
Alexander	Gravel	Riecke
Bel	Haynes	Roemer
Bergeron	Jackson, J.	Slay
Brien	Lambert	Stovall
Brown	Landrum	Tobias
Conino	Lanier	Toca
Conroy	LeBleu	Toomy
Corne	Leithman	Velazquez
D'Gerolamo	Miller	Vick
Derbes	Perkins	Warren
Fayard	Pugh	
Total—35.		

NAYS

Delegates—

Aertker	Grier	Planchard
Arnette	Guarisco	Reeves
Asseff	Hardee	Roy
Avant	Hayes	Sandoz
Badeaux	Heine	Schmitt
Blair	Hernandez	Shannon
Bollinger	Jack	Singletary
Burns	Jackson, A.	Smith
Carmouche	Jenkins	Soniat
Casey	Juneau	Stagg
Champagne	Kelly	Stephenson
Chatelain	Kilbourne	Stinson
Comar	Landry, A.	Sutherland
Cowen	Landry, E. J.	Tapper
De Blieux	Leigh	Tate
Dennery	Lowe	Thompson
Dennis	McDaniel	Ullo
Drew	Martin	Vesich
Dunlap	Maybuce	Wall
Duval	Mire	Wattigny
Edwards	Morris	Weiss
Elkins	Newton	Willis
Flory	Nunez	Winchester
Fontenot	O'Neill	Wisham
Gauthier	Ourso	Womack
Giarrusso	Perez	Zervigon
Graham		
Total—79.		

NOT VOTING

Delegates—

Mr. Chairman	Deshotels	Mauberrret
Abraham	Fowler	Munson
Anzalone	Ginn	Rayburn
Burson	Goldman	Segura
Cannon	Kean	Thistlethwaite
Chehardy	Kilpatrick	
Total—17.		

And the amendment was rejected.

Delegate Flory moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Motion

Delegate Smith moved the previous question on the entire subject matter.

Delegate Velazquez objected.

By a vote of 63 yeas and 48 nays the previous question was ordered on the entire subject matter.

Passage

Committee Proposal No. 7, Section 11 was read, as amended.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—

Aertker	Hardee	Pugh
Alario	Hayes	Reeves
Alexander	Haynes	Riecke
Arnette	Heine	Roemer
Avant	Hernandez	Roy
Badeaux	Jackson, A.	Sandoz
Bel	Jackson, J.	Schmitt
Bergeron	Jenkins	Segura
Blair	Juneau	Shannon
Brien	Kelly	Singletary
Brown	Kilbourne	Slay
Burns	Kilpatrick	Smith
Cannon	Lambert	Soniat
Carmouche	Landrum	Stephenson
Champagne	Landry, A.	Stinson
Chatelain	Landry, E. J.	Stovall
Comar	LeBleu	Sutherland
Conino	Leigh	Tapper
Conroy	Leithman	Tate
Corne	Lowe	Thompson
Cowen	McDaniel	Tobias
D'Gerolamo	Martin	Toca
Dennis	Mauberrret	Vesich
Dunlap	Maybuce	Vick
Edwards	Miller	Wall
Elkins	Mire	Warren
Fayard	Morris	Wattigny
Flory	Nunez	Weiss
Fontenot	O'Neill	Willis
Fulco	Ourso	Winchester
Giarrusso	Perez	Wisham
Graham	Perkins	Womack
Gravel	Planchard	Zervigon
Grier		
Total—100.		

NAYS

Delegates—

Asseff	Drew	Newton
Bollinger	Duval	Rachal
Casey	Gauthier	Stagg
De Blieux	Guarisco	Toomy
Dennery	Jack	Ullo
Derbes	Lanier	Velazquez
Total—18.		

NOT VOTING

Delegates—

Mr. Chairman	Deshotels	Kean
Abraham	Fowler	Munson
Anzalone	Ginn	Rayburn
Burson	Goldman	Thistlethwaite
Chehardy		
Total—13.		

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Section 12. Parish School Boards; Parish Superintendents

Section 12. (A) Parish School Boards. The legislature shall create parish school boards and shall provide for the election of the members of such boards.

(B) Parish Superintendents. Each parish board shall elect

a superintendent of parish schools. The State Board of Elementary and Secondary Education shall fix the qualifications and prescribe the duties of the parish superintendent, who need not be a resident of the parish in which he serves.

Read.

Convention Secretary Dennerly in the Chair

Delegate Jenkins sent up a floor amendment, which was read as follows:

FLOOR AMENDMENT

Amendment proposed by Delegates Jenkins, Henry, Roemer, Stagg, O'Neill, A. Jackson, Kelly, Newton, Wall, Roy, Wisham, Hayes, Pugh, Martin, Soniat, E. J. Landry, Guarisco, Abraham, Alario, Rachal, Velazquez, Bollinger, Champagne, Shannon, Dunlap, Vick, Mire, Willis, Weiss, Heine, Slay, Blair, Brown, Elkins, Duval, Alexander, Brien, Segura, Wattigny, Carmouche, Fontenot, Maybuce, Kilpatrick, Hardee, Miller, Gauthier, Ginn, Fowler, Drew, J. Jackson, Warren, Le Bleu, and Gravel to Committee Proposal No. 7 by Delegate Aertker, et al.

Amend reprinted as engrossed proposal as follows:

AMENDMENT No. 1—

On page 7, at the end of line 24, add the following:

"School board members shall be elected from single-member districts at the first and each subsequent regular election for school board members after publication of the results of the 1980 decennial federal census."

Delegate Jenkins moved the adoption of the amendment.

Delegate De Blieux objected.

A record vote was asked for and ordered by the Convention.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Alario	Haynes	Roemer
Bergeron	Jack	Roy
Blair	Jackson, A.	Schmitt
Bollinger	Jackson, J.	Slay
Champagne	Jenkins	Soniat
Dunlap	Kelly	Stagg
Duval	Kilpatrick	Thompson
Fontenot	Landrum	Velazquez
Gauthier	Maybuce	Vick
Graham	Newton	Wall
Gravel	O'Neill	Warren
Guarisco	Pugh	Wisham
Hardee	Rachal	
Hayes	Reeves	
Total—40.		

NAYS

Delegates—		
Aertker	Drew	McDaniel
Arnette	Edwards	Martin
Asseff	Elkins	Miller
Avant	Fayard	Mire
Badeaux	Flory	Morris
Brien	Fulco	Nunez
Burns	Giarrusso	Ourso
Carmouche	Grier	Perez
Casey	Heine	Perkins
Chatelain	Juneau	Planchard
Conino	Kean	Riecke
Conroy	Lambert	Sandoz
Corne	Landry, A.	Segura
Cowen	Landry, E. J.	Singletary
D'Gerolamo	Lanier	Smith
De Blieux	Leigh	Stephenson
Dennerly	Leithman	Stinson
Dennis	Lowe	Stovall

Sutherland
Tapper
Tate
Toca
Total—66.

Toomy
Ullo
Vesich
Weiss

Willis
Winchester
Womack
Zervigon

NOT VOTING

Delegates—
Mr. Chairman
Abraham
Alexander
Anzalone
Bel
Brown
Burson
Cannon
Chehardy
Total—25.

Comar
Derbes
Deshotel
Fowler
Ginn
Goldman
Hernandez
Kilbourne
LeBleu

Mauberet
Munson
Rayburn
Shannon
Thistlethwaite
Tobias
Wattigny

And the amendment was rejected.

Delegate De Blieux moved to reconsider the vote by which the amendment was rejected, and on his own motion, the motion to reconsider was laid on the table.

Passage

Committee Proposal No. 7, Section 12 was read.

Delegate Aertker moved the final passage of the Section.

ROLL CALL

The roll was called with the following result:

YEAS

Delegates—		
Mr. Chairman	Giarrusso	Perkins
Aertker	Graham	Planchard
Alario	Gravel	Pugh
Arnette	Grier	Rachal
Avant	Hardee	Reeves
Badeaux	Hayes	Riecke
Bel	Haynes	Roemer
Bergeron	Heine	Roy
Blair	Hernandez	Sandoz
Bollinger	Jack	Schmitt
Brien	Jackson, A.	Segura
Burns	Jenkins	Slay
Carmouche	Juneau	Smith
Casey	Kean	Soniat
Champagne	Kelly	Stagg
Chatelain	Kilpatrick	Stephenson
Comar	Lambert	Stinson
Conino	Landry, A.	Stovall
Conroy	Landry, E. J.	Sutherland
Corne	Lanier	Tapper
Cowen	LeBleu	Tate
D'Gerolamo	Leigh	Thompson
De Blieux	Leithman	Toca
Dennerly	Lowe	Toomy
Dennis	McDaniel	Ullo
Drew	Martin	Vesich
Dunlap	Mauberet	Vick
Duval	Miller	Wall
Edwards	Mire	Weiss
Elkins	Morris	Willis
Fayard	Newton	Winchester
Flory	Nunez	Wisham
Fontenot	O'Neill	Womack
Fulco	Ourso	Zervigon
Gauthier	Perez	
Total—104.		

NAYS

Delegates—		
Asseff	Maybuce	Velazquez
Jackson, J.	Singletary	Warren
Landrum		
Total—7.		

NOT VOTING

Delegates—
Abraham
Alexander
Anzalone
Brown
Burson
Cannon
Chehardy
Total—20.

Derbes
Deshotel
Fowler
Ginn
Goldman
Guarisco
Kilbourne

Munson
Rayburn
Shannon
Thistlethwaite
Tobias
Wattigny

And the Chair declared that the above Section was finally passed.

Delegate Aertker moved to reconsider the vote by which the above Section was finally passed, and, on his own motion, the motion to reconsider was laid on the table.

Chairman Henry in the Chair

Motion

On motion of Delegate Stovall, the Convention altered the Order of Business to take up other Orders of Business at this time.

Delegate Dennery, Secretary of the Constitutional Convention of 1973, submits the following report:

Constitutional Convention of 1973

State of Louisiana

November 15, 1973, Baton Rouge, La.

To the Chairman and Delegates of the Convention:

I submit the following report:

That the following Committee Proposal has been properly re-enrolling reflecting correction of an error discovered with respect to Section 16:

COMMITTEE PROPOSAL No. 17—

Introduced by Delegate Perez, Chairman, on behalf of the Committee on Local and Parochial Government, and Delegates Burson, Cannon, Chatelain, Conino, D'Gerolamo, Fowler, Giarrusso, Hayes, Heine, J. Jackson, Kean, Lanier, Reeves, Shannon, Stephenson, Taylor, Toomy, Ullo, and Zervigon:

A PROPOSAL

Making general provisions for local and parochial government, levee districts, and ports, the financing thereof, and necessary provisions with respect thereto.

Be it adopted by the Constitutional Convention of Louisiana of 1973:

ARTICLE VI. LOCAL GOVERNMENT

Section 1. Creation, Dissolution, and Merger of Parishes; Change of Parish Lines; Change of Parish Seats; Existing Parishes

Section 1. (A) The legislature may establish and organize new parishes, dissolve and merge parishes and change parish boundaries, if two-thirds of the electors in each of the parishes affected voting at an election held for the purpose in each parish affected consent thereto.

(B) The governing authority of a parish, may call an election on the question of changing the location of the parish seat. The election shall be conducted in the manner provided by the general election laws in the state, insofar as applicable. The location of a parish seat shall be changed if two-thirds of the total vote cast at the election is in favor thereof.

(C) All parishes and their boundaries as established under existing law are recognized and ratified.

Section 3. New or Enlarged Parishes; Adjustment of Assets and Liabilities

Section 3. When a parish is enlarged or created from contiguous territory, it shall be entitled to a just proportion of the property and assets and shall be liable for a just proportion of the existing debts and liabilities of the parish or parishes from which the territory is taken.

Section 5. Municipalities; Incorporation, Consolidation, Merger, and Government

Section 5. The legislature shall provide by general law for the incorporation, consolidation, merger, and government of municipalities. No local or special law shall be enacted to create a municipal corporation or to amend, modify, or repeal its charter. However, if a municipality is operating under a special legislative charter it may be amended, modified, or repealed by local or special law as long as such municipality continues to operate under such charter.

Section 6. Classification

Section 6. Except as provided in this constitution, the

legislature may classify parishes or municipalities according to population or on any other reasonable basis related to the purpose of this classification, and legislation may be limited in its effect to any of such class or classes.

Section 7. Existing Home Rule Charters and Plans of Government of Parishes and Municipalities Ratified

Section 7. Every plan of government or home rule charter existing or adopted when this constitution is adopted shall remain in effect and may be amended, modified, or repealed as provided therein. Except as inconsistent with the provisions of this constitution, each local governmental subdivision which has adopted such a home rule charter or plan of government shall retain the powers, functions and duties in effect when this constitution is adopted. Each of them, if its charter permits, shall also enjoy the right to any powers and functions granted to other local governmental subdivisions.

Section 8. Home Rule Charter

Section 8. (A) Subject to and not inconsistent with the provisions of this constitution, any local governmental subdivision may draft, adopt, or amend a charter of government to be known as a home rule charter in accordance with the provisions of this Section. The governing authority of any such local governmental subdivision may appoint a commission to prepare and propose a charter or alternate charter, or may call an election for the purpose of electing such a commission.

(B) The governing authority of any such local governmental subdivision shall call an election to elect a commission to prepare and propose a charter or alternate charter when presented with a petition signed by not less than ten percent of the electors or ten thousand electors, whichever is the lesser, who live within the boundaries of the affected subdivision, as certified by the registrar of voters.

(C) A home rule charter shall be adopted, amended, or repealed when approved by a majority of the electors who vote on the proposal at an election called for that purpose.

(D) Two or more local governmental subdivisions situated within the boundaries of one parish may avail themselves of the provisions of this Section, provided that a majority of the electors in each affected local governmental subdivision who vote in an election held for that purpose vote in favor thereof. The legislature shall provide for the method of appointment or election of a commission to prepare and propose such a charter consistent with Paragraph (A) of this Section. However, at least one member of the commission shall be elected or appointed from each affected local governmental subdivision. The legislature shall provide the method by which the electors of more than one local governmental subdivision within the boundaries of one parish may petition for an election for such purpose consistent with Paragraph (B) of this Section.

(E) A home rule charter adopted pursuant to the provisions of this Section shall provide for the structure and organization, powers, and functions for the government of the local governmental subdivision, which may include the exercise of any power and performance of any function necessary, requisite, or proper for the management of its affairs, not denied by general law or inconsistent with any provision of this constitution. The legislature shall not pass any law the effect of which changes, modifies, or affects the structure and organization and/or the particular distribution and redistribution of the powers and functions of any local governmental subdivision which operates under a home rule charter.

(F) A local governmental subdivision adopting a home rule charter under this Section shall also enjoy such additional powers and functions as are granted to local governmental subdivisions by other provisions of this constitution, unless the exercise of such powers and performance of such functions is prohibited by its charter.

(G) No home rule charter or plan of local government shall contain any provision inconsistent with this constitution or any law now or hereafter enacted which affects the offices of district attorney, sheriff, assessor, clerk of a district court, coroner, parish school board, or city school board.

(H) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

Section 9. Powers of Other Local Governmental Subdivisions

Section 9. (A) Subject to and not inconsistent with any provision of this constitution, the governing authority of

any other local governmental subdivision may exercise any power and perform any function necessary, requisite, or proper for the management of the affairs of the local governmental subdivision not denied by its charter or by general law, provided that a majority of the electors in the affected local governmental subdivision who vote in an election held for that purpose vote in favor of the proposition that such governing authority may exercise such general powers. In the absence of such a favorable vote, such local governmental subdivision shall have such powers as authorized by this constitution or by law.

(B) Nothing contained in this Section shall be construed to affect the powers and functions of a parish or city school board and the offices of district attorney, sheriff, clerk of a district court, coroner, or assessor.

(C) Notwithstanding any provision of this Article to the contrary, the courts and their officers may be established or affected only as provided in Article V of this constitution.

Section 11. Home Rule Parish; Incorporation of Cities, Towns, and Villages

Section 11. No parish plan of government or home rule charter shall prohibit the incorporation of cities, towns, or villages as provided by general law.

Section 12. Limitations of Local Governmental Subdivisions

Section 12. (A) Local governmental subdivisions shall not: (1) define and provide for the punishment of a felony; or (2) except as may be provided by law, enact private or civil ordinances governing civil relationships.

(B) Notwithstanding any provision of this Article, the police power of the state shall never be abridged.

Section 12.1. Codification of Ordinances

Section 12.1. The governing authority of each political subdivision shall within two years of the effective date of the adoption of this constitution, cause a code to be prepared containing all of the ordinances of the political subdivision of general application which are appropriate for continuation as law. When the code shall have been prepared the governing authority of the political subdivision shall cause copies of the same to be prepared and made available for public distribution. All proposed ordinances of general application adopted after the approval of the code shall be adopted as amendments or additions to the code.

Section 13. Local Officials

Section 13. The electors of each local governmental subdivision shall have the exclusive right to elect their governing authority. Nothing herein shall be construed to prohibit the election of the members of any governing authority on the basis of single member districts.

Section 14. Local Officials; Compensation

Section 14. The compensation or method of fixing the compensation of a local elected official of any local governmental subdivision which operates under a home rule charter or plan of government as provided in Sections 7 and 8 of this Article, shall be provided in its charter. The compensation or method of fixing the compensation of local elected officials of any other local governmental subdivision shall be provided for by law. Compensation of local officials shall not be reduced during the terms for which they are elected.

Section 15. Filling of Vacancies; Appointment

Section 15. (A) Except as otherwise provided in this constitution, and except for the office of assessor, a vacancy in any local office filled by election wholly within the boundaries of a local governmental subdivision or a parish or city school district, shall be filled by appointment by the governing authority of such local governmental subdivision or school district in which the vacancy occurs, until it is filled by election as provided by law.

(B) The provisions of this Section shall apply to all local governmental subdivisions unless otherwise provided by the home rule charter or the home rule plan of government of the affected local governmental subdivisions.

Section 16. Legislation Increasing Financial Burden of Political Subdivisions; Local Approval

Section 16. No law requiring an increase in expenditures for wages, hours, working conditions, pension and retirement benefits, vacation or sick leave benefits of political subdivi-

sion employees, except a law providing for civil service, minimum wages, working conditions, and retirement benefits for firemen and municipal policemen, shall have effect until approved by ordinance enacted by the governing authority of the political subdivision affected thereby or until the legislature appropriates funds to the affected political subdivision for that purpose and only to the extent and amount that such funds are provided. Nothing in this Section shall be construed as applying to parish and municipal school boards.

Section 17. Governing Authorities of Local Governmental Subdivisions; Control Over Agencies They Create

Section 17. The governing authority of a local governmental subdivision shall have general power over any agency heretofore or hereafter created by it, including, without limitation, the power to abolish any such agency and to require prior approval of any charge or tax levied, or bond issued by such agency.

Section 18. Special Districts and Local Public Agencies; Consolidation, Merger, and Assumption of Debt

Section 18. (A) Any local governmental subdivision may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of such local governmental subdivision. Upon such merger and consolidation the local governmental subdivision shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of such special district or local public agency. No such merger and consolidation shall take effect unless a majority of the electors voting thereon in the local governmental subdivision as a whole and also a majority of the electors voting thereon in the affected special district vote in favor of such proposition. No such action involving a local public agency shall take effect unless a majority of the electors voting thereon in the local governmental subdivision in which the local public agency is located vote in favor thereof in an election held for that purpose.

(B) If the special district or local public agency which is consolidated and merged has any outstanding indebtedness, the authority provided for by this Section shall not be exercised unless provision is made for the assumption of such indebtedness by the governing authority or authorities of the local governmental subdivisions involved.

Section 19. Land Use, Zoning and Historic Preservation

Section 19. Subject to uniform legislatively established procedures, local governmental subdivisions shall have authority (1) to adopt regulations for land use, zoning and historic preservation, which authority is declared to be a public purpose; (2) to create commissions and districts to implement same; (3) to review decisions of any such commissions; (4) and to adopt standards for use, construction, demolition and modification of areas and structures. Existing constitutional authority for historic preservation districts is retained.

Section 21. Industrial Areas

Section 21. The legislature may authorize parishes to create and define industrial areas within their boundaries in accordance with such procedures and subject to such regulations as the legislature shall determine. All industrial areas so created hereafter shall include provisions for access by public road to any and all entrances to the premises of each and every plant in such area which entrances are provided for use by employees of such company, or for use by employees of independent contractors working on such premises, or for delivery of materials or supplies, other than by rail or water transportation, to such premises. Where individual plants provide police protection this protection shall be confined to the premises of each individual plant located in the area. Industrial areas shall not be subdivisions of the state.

Section 22. Creation of Special Districts by the Legislature; Authority

Section 22. Subject to and not inconsistent with the provisions of this constitution, the legislature by general law or by local or special law may create or authorize the creation of special districts, boards, agencies, commissions, and authorities of every type, define their powers, and grant to the special districts, boards, agencies, commissions, and authorities so created such rights, powers, and authorities as it deems proper, including, but not limited to, the power of taxation, the power to incur debt and issue bonds.

Section 23. Intergovernmental Cooperation

Section 23. Any political subdivision may exercise and perform any of its authorized powers and functions, including financing, jointly or in cooperation with one or more

political subdivisions, either within or without the state, with the United States or agencies thereof, except as the legislature shall provide otherwise by law.

Section 24. Assistance to Local Industry by Political Subdivisions; Deep-Water Port Commission, or Deep-Water Port, Harbor, and Terminal Districts

Section 24. Subject to such restrictions as it may impose, the legislature may authorize any political subdivision, deep-water port commission, or deep-water port, harbor, and terminal district, in order (1) to induce and encourage the location of or addition to industrial enterprises therein which would have economic impact upon the area and thereby the state, or (2) to provide for the establishment and furnishing of such industrial plant, or (3) to provide movable or immovable property, or both, for pollution control facilities: (a) to issue bonds, subject to the approval of the State Bond Commission, or any successor thereto, and to use the funds derived from the sale thereof to acquire and improve industrial plant sites and other property necessary to the purposes thereof; (b) to acquire, through purchase, donation, exchange, and subject to Article I, Section 4, expropriation, and to improve industrial plant buildings and industrial plant equipment, machinery, furnishings, and appurtenances; and (c) to sell, lease, lease-purchase, or demolish all or any part of the foregoing.

No property expropriated under the authority of this Article shall ever, directly or indirectly, be sold or donated to any foreign power, any alien, or any corporation in which the majority of the stock is controlled by any foreign power, alien corporation, or alien.

The provisions of this Section shall not apply to school boards.

Section 26. Uniform Procedure for Calling, Conducting, and Canvassing the Returns of Certain Special Elections

Section 26. When any election is required to be held in any political subdivision pursuant to the provisions of this constitution which require submission to the electors of any proposition or question, the election shall be called, conducted, and the returns thereof canvassed, in accordance with the procedures established by law pertaining to elections for incurring bonded indebtedness and special taxes relative to local finance, as the same now exists or may hereafter be amended, or as may be otherwise provided by the legislature.

Section 27. Acquisition of Property

Section 27. Subject to and not inconsistent with any provision of this constitution and subject to such restrictions as the legislature may provide by general law, political subdivisions may acquire property for any public purpose, including but not limited to acquisition by purchase, donation, expropriation, or exchange.

Section 28. Servitudes of Way; Acquisition by Prescription

Section 28. The public, represented by the various local governmental subdivisions, may acquire servitudes of way by prescription in the manner prescribed by law.

Section 29. Prescription Against State

Section 29. Prescription shall not run against the state in any civil matter, unless otherwise provided in this constitution or expressly by law.

PART II. FINANCE

Section 31. Parish Tax Limits; Increase; Withdrawal of Municipality from Parish Taxing Authority

Section 31. (A) The governing authority of each parish may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, four mills on the dollar of assessed valuation. However, in Orleans Parish the limitation shall be seven mills and in Jackson Parish the limitation shall be five mills. Millage rates may be increased in any parish when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) The amount of the parish tax for general purposes which any parish, except the parish of Orleans, may levy,

without a vote of the electors, on property located wholly within any municipality, which has a population in excess of one thousand inhabitants according to the last federal decennial census, or such other census as may be provided for by law, and which provides and maintains a system of street paving, shall not exceed one-half the tax levy for general purposes.

(D) This Section shall not be construed to repeal or affect the withdrawal of property in a municipality from parochial taxing jurisdiction, in whole or in part, by a provision of the legislative charter of the municipality in effect on the date of adoption of this constitution.

Section 32. Municipal Tax Limits; Increase

Section 32. (A) The governing authority of each municipality may levy an ad valorem tax for general purposes, in an amount not to exceed in any one year, seven mills on the dollar of assessed valuation; provided that where any municipality is, by its charter or by law, exempt from payment of parish taxes or, under legislative authority, maintains its own public schools, it may levy an annual tax not to exceed ten mills of the dollar of assessed valuation. Millage rates may be increased in any municipality when approved by a majority of the electors who vote in an election held for that purpose.

(B) When the millage increase is for other than general purposes, the proposition shall state the specific purpose or purposes for which the tax is to be levied, the length of time the tax is to remain in effect, and all proceeds of the tax shall be used solely for the purpose or purposes set forth in the proposition.

(C) This Section shall not apply to the city of New Orleans.

Section 33. Local Governmental Subdivision; Occupational License Tax; Limitations

Section 33. Local governmental subdivisions may impose an occupational license tax in an amount not greater than that imposed by the state. However, those who pay municipal occupational license taxes shall be exempt from parish occupational license taxes to the extent of the municipal tax. Local governmental subdivisions may impose an occupational license tax in an amount greater than that imposed by the state when so authorized by an act passed by at least a two-thirds vote of the elected membership of each house of the legislature.

Section 34. Local Governmental Subdivisions and School Boards; Sales Tax Authorized; Limitations; Exceptions; Protection of Existing Sales Tax Authorizations and the Security of Outstanding Bonds

(A) Except as otherwise authorized in a home rule charter as provided for in Section 7 of this Article, any local governmental subdivision or school board may levy and collect a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of the electors who vote in an election held for that purpose. The rate thereof, when combined with the rate of all other presently imposed or future sales and use taxes, exclusive of state sales and use taxes, levied and collected within any local governmental subdivision, shall not exceed three percent; however, the legislature may by general or special law, authorize the imposition of additional sales and use taxes by local governmental subdivisions or school boards, upon approval by the electors thereof as herein provided. Nothing contained in this Subsection shall be construed to affect any sales or use tax authorized or imposed on the effective date of this constitution or to affect or impair the security of any bonds payable from such tax.

(B) Except where bonds in connection therewith have been authorized, the legislature may uniformly exempt or exclude any goods, tangible personal property, or services from sales or use taxes levied by local governmental subdivisions, school boards, and the state.

Section 35. Political Subdivisions; Taxing Power; Limitations

Section 35. Political subdivisions may exercise the power of taxation, subject to such limitations as may be elsewhere provided in the constitution, under authority granted to them by the legislature for parish, municipal, and local purposes, strictly public in their nature. The provisions of this Section shall not apply to, nor affect, similar grants to such political subdivisions under other sections of this constitution which are self-operative.

Section 36. Special Taxes; Ratified

Section 36. (A) Any special tax being levied by any politi-

cal subdivision under prior laws or under the 1921 Louisiana Constitution, as amended, when this constitution is adopted is hereby confirmed and ratified.

(B) For the purpose of acquiring, constructing, improving, maintaining and operating any work of public improvement, any political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote in an election held for that purpose.

Section 38. Bonds of Political Subdivisions; General Obligations

Section 38. The full faith and credit of every political subdivision is hereby pledged to the payment of general obligation bonds issued by it under this constitution or the terms of the statute or proceedings pursuant to which they are issued. The governing authority of the issuing political subdivision shall levy and collect or cause to be levied and collected on all taxable property in the political subdivision ad valorem taxes fully sufficient to pay principal and interest and redemption premiums, if any, on such bonds as they mature.

Section 39. Taxpayer Authorization of Political Subdivision Bonds

Section 39. Subject to the approval of the State Bond Commission or any successor thereto, general obligation bonds may be issued only after authorization by a vote of a majority of the electors who vote on the proposition at an election in the political subdivision issuing such bonds. Bonds to refund outstanding indebtedness at the same or at a lower effective rate of interest, even though payable solely from ad valorem taxes, need not be so authorized at an election if the indebtedness refunded is paid or cancelled at the time of the delivery of the refunding bonds, or if money, or securities made eligible for such purpose by law, are deposited in escrow in an adequate amount, with interest, to be utilized solely for the purpose of retiring the refunded indebtedness or bonds and paying interest thereon and redemption premiums, if any, to the time of retirement.

Section 40. Limitations on Bonded Indebtedness of Political Subdivisions

Section 40. The legislature shall fix the limitation on bonded indebtedness payable solely from ad valorem taxes levied by political subdivisions.

Section 41. Limited Time for Contesting Bonds of Political Subdivisions

Section 41. (A) For a period of sixty days from the promulgation of the result of any election held for the purpose of incurring or assuming debt, issuing bonds, or levying a tax, any person in interest shall have the right to contest the legality of such election, the bond issue provided for, or the tax authorized, for any cause after which time no one shall have any cause or right of action to contest the regularity, formality, or legality of said election, tax provisions, or bond authorization, for any cause whatsoever. If the validity of any election, tax, debt assumption, or bond issue authorized or provided for, held under the provisions of this Section, is not raised within the sixty days herein prescribed, the authority to incur or assume debt, levy the tax, or issue the bonds, the legality thereof, and the taxes and other revenues necessary to pay the same shall be conclusively presumed to be valid, and no court shall have authority to inquire into such matters.

(B) Every ordinance or resolution authorizing the issuance of bonds or other debt obligation by a political subdivision shall be published at least once in the official journal of the political subdivision, or if there is none, then in a newspaper having general circulation therein. For a period of thirty days from the date of the publication any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the bonds. After this time, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever; and after this time it shall be conclusively presumed that every legal requirement for the issuance of the bonds or other debt obligation, including all things pertaining to the election, if any, at which the bonds or other debt obligation were authorized, has been complied with, and no court shall have authority to inquire into any such matters after the lapse of this thirty days.

Section 42. Local Improvement Assessments

Section 42. (A) The legislature shall provide by general law or by local or special law the procedures by which political subdivisions levy and collect local or special assessments on real property, for the purpose of acquiring, constructing, or improving works of public improvement.

(B) Certificates of indebtedness may be issued to cover the cost of any such public improvement which shall be secured by the pledge of the local or special assessments levied therefor, and may be further secured by the pledge of the full faith and credit of the political subdivision.

(C) The provisions of this Section shall not apply to school boards.

Section 43. Revenue-Producing Property

Section 43. (A) The legislature may authorize political subdivisions to issue bonds or other debt obligations for the purpose of constructing, acquiring, extending, or improving any revenue-producing public utility or work of public improvement. The bonds or other debt obligations may be secured by mortgage on the lands, buildings, machinery, and equipment or by the pledge of the income and revenues of such public utility or work of public improvement and shall not be a charge upon the other income and revenues of the political subdivision.

(B) The provisions of this Section shall not apply to school boards.

PART III. LEVEE DISTRICTS

Section 44. Levee Districts

Section 44. (A) Levee districts as now organized and constituted shall continue to exist, except that:

(1) The legislature may provide for the consolidation, division, or reorganization of existing levee districts or create new levee districts. However, the members of the boards of commissioners of districts heretofore or hereafter created shall be appointed or elected from residents of such district, as provided by law;

(2) Any levee district whose flood control responsibilities are limited to and which is situated entirely within the boundaries of one parish may be merged and consolidated into such parish under the terms and conditions and in the manner provided in Section 18 of this Article. This provision shall be self-operative.

(B) No action taken hereunder shall impair the obligation of any outstanding bonded indebtedness or of any other contract of such levee district.

Section 45. District Taxes; Increase in Tax to Raise Additional Funds

Section 45. (A) For the purpose of constructing and maintaining levees, levee drainage, flood protection, hurricane flood protection, and for all other purposes incidental thereto, the governing authority of each district, may levy annually a tax not to exceed five mills on the assessed valuation, except the Board of Levee Commissioners of the Orleans Levee District which may levy annually a tax not to exceed two and one-half mills on the assessed valuation of all taxable property situated within the alluvial portions of said district subject to overflow.

(B) Should the necessity to raise additional funds arise in any levee district for any of the purposes herein set forth, or for any other purpose related to its authorized powers and functions which may be specified by the legislature, the tax herein authorized may be increased. However, before taking effect, the necessity for the increase and the rate thereof shall be submitted to the electors of such district and no increase in taxes shall occur unless a majority of the electors in such district who vote in the election hereinabove provided for vote in favor thereof.

Section 46. Bond Issues

Section 46. (A) Subject to the approval of the State Bond Commission or any successor thereto, the governing body of any levee district may fund the avails of said taxes or other revenues into bonds, or other evidences of indebtedness, the proceeds thereof to be used for the purposes mentioned in this Article or for the funding or payment of any outstanding indebtedness.

(B) Bonds issued under the authority of the foregoing provision shall be sold in accordance with applicable provisions of the Louisiana Revised Statutes relating to the issuance of bonds by levee districts.

Section 48. Cooperation with Federal Government

Section 48. All governing authorities of levee districts which have been, or may be created, are authorized to cooperate with the federal government in the construction and maintenance of the levees in this state, on such terms and

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conditions as may be provided by the federal authorities and accepted by the levee districts.

Section 49. Compensation for Property Used or Destroyed; Tax

Section 49. (A) Notwithstanding any other provision of this constitution, lands and improvements thereon hereafter actually used or destroyed for levees or levee drainage purposes shall be paid for as provided by law; and provided further, nothing contained in this Paragraph with respect to compensation for lands and improvements shall apply to batture or to property the control of which is vested in the state or any political subdivision thereof for the purpose of commerce.

(B) If the district has no other funds or resources out of which such payment can be made, it shall levy, on all taxable property situated within the district, a tax sufficient to pay for said property so used or destroyed to be used solely in the district where collected.

(C) Nothing contained in this Section shall prevent the appropriation of said property before payment.

PART IV. PORTS

Section 50. Ports

Section 50. All deep-water port commissions and all deep-water port, harbor, and terminal districts as they are now organized and constituted, including their powers and functions, structure and organization, and territorial jurisdiction, are ratified and confirmed and shall continue to exist, except that:

(A) The legislature may grant additional powers and functions to any such commission or district and may create new port commissions or port, harbor, and terminal districts;

(B) The legislature may consolidate or abolish any such commission or district or may diminish, reduce, or withdraw from any such commission or district any of its powers and functions and may affect the structure and organization, distribution, and redistribution of the powers and functions of any such commission or district, including additions or reductions of its territorial jurisdiction, only by act passed by a favorable vote of at least two-thirds of the elected membership of each house;

(C) The legislature shall make provisions with respect to the membership of the herein provided commissions. Once the membership is established it may be changed only upon a two-thirds vote of the elected members of each house of the legislature.

PART V. DEFINITIONS

Section 51. Terms Defined

Section 51. As used in this Article:

(1) "Local governmental subdivision" means any parish or municipality;

(2) "Political subdivision" means parishes and municipalities, and any other unit of local government, including school boards and special districts, authorized by law to perform governmental functions;

(3) "Municipality" means all incorporated cities, towns, and villages;

(4) "Governing authority" means the body which exercises the legislative functions of the political subdivision;

(5) "General law" means a law of statewide concern enacted by the legislature which is uniformly applicable to all persons or to all political subdivisions in the entire state or which is uniformly applicable to all persons or to all political subdivisions within the same class.

(6) "General obligation bond" means those bonds, the principal and interest of which are secured by and payable from ad valorem taxes levied without limitation as to rate or amount;

(7) "Deep-water port commissions and deep-water port, harbor, and terminal districts" means those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce.

Respectfully submitted,

MOISE W. DENNERY
Secretary.

Leaves of Absence

Delegate Burson— $\frac{1}{2}$ day.

Delegate Mire— $\frac{1}{2}$ day.

Delegate Chehardy—1 day.

Delegate Abraham— $\frac{1}{2}$ day.

Delegate Anzalone—1 day.

Delegate Tobias—after 5:00 o'clock P.M.

Adjournment

Delegate Smith moved that the Convention do now adjourn until Friday, November 16, 1973 at 9:00 o'clock A.M.

Which motion was agreed to.

And Chairman Henry declared the Convention adjourned to Friday, November 16, 1973 at 9:00 o'clock A.M.

MOISE W. DENNERY
Secretary

DAVID R. POYNTER
Chief Clerk

SEE VOLUME 2 FOR THE 87th THROUGH
122nd DAY'S PROCEEDINGS AND THE
CONSTITUTIONAL CALENDAR.



